REFUTING ISIS

SECOND EDITION

SHAYKH
MUHAMMAD AL-YAQOUBI

Sacred
KNOWLEDGE

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SECOND EDITION

Praise be to Allah, Lord of the Worlds, prayers and of Prophets, who was sent as a mercy to the world, upon his Family and his Companions.

REFUTING ISIS

Destroying its religious foundations and proving it has strayed from Islam and that fighting it is an obligation

SECOND EDITION

Shaykh Muhammad Al-Yaqoubi

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Shaykh Muhammad Al-Yaqoubi

Publisher: Sacred Knowledge
PO Box 711504
Herndon, Virginia 20171
USA

First published in August, 2015 in the United States.

ISBN 978-1-908224-1-94

Editing: Abdul Aziz Suraqah
Typesetting: Etherea Design
Cover Design: Imran Malik

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Acknowledgments
Special thanks to Baber Parvez, Diana Darke, John McHugo, Yasir Iftikhar, & Ali Beyad for their assistance in the publication of this work.

Dedication

I dedicate this book to the innocent people who have been unjustly killed in the name of Islam. I pray that Almighty God accepts them with His Infinite Mercy and grants their families patience and comfort.

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Abbreviations

PBUH: Peace be upon him, the standard Islamic prayer upon hearing the name of any of the prophets of God.

AH: After *Hijra*, referring to the Islamic calendar, it literally means, after the migration of the Prophet Muhammad (PBUH) from Mecca to Medina in 622 CE, which is the start of Islamic calendar.

b./Ibn, meaning son of, between two Arabic names. For instance, Aḥmad b. Ḥanbal (Aḥmad son of Ḥanbal).

D. Died, referring to the death year of a scholar.

Preface to the Second Edition

In the five months since the first edition of this book was published, I have received numerous email messages and letters of thanks and praise. “Refuting ISIS” has filled a gap in the theological battle against ISIS and showed that a scholarly response is very much needed. I also received requests to translate the book to several languages, a process which will take place soon.

The first edition was well received. Over 45,000 copies were distributed convincing many confused young Muslims that the road of ISIS leads to destruction in this life and to Hell in the Hereafter. Thousands of copies have already sold in the US & UK, and I have participated in several events promoting the message of the book to Muslim communities and policy makers.

With this encouraging and overwhelming response, I felt the need for a second edition that quenches the thirst of the readers with more details. Therefore, I went through the book from beginning to end, almost rewriting many sections. Several topics were tackled in a more detailed manner, such as the prohibition of burning human beings, the abolition of slavery, and Islam’s position towards minorities. New subjects were tackled, such as the invalidity of excommunicating Muslim rulers for not applying certain aspects of Shari’ah, Islam’s position towards democracy, and the prohibition of destroying pre-Islamic monuments and sacred sites. Several other topics benefitted from more rigorous proofs, especially the section confirming that ISIS criminals have left the fold of Islam and are not Muslims any longer.

This second edition of the book comes after the heinous attacks that ISIS perpetrated in Egypt, Lebanon, Turkey, France, the USA and Indonesia. These attacks, which must be condemned by Muslim scholars and preachers around the world, are another testimony that, by killing women, children, and civilians, ISIS betrayed Islam, betrayed the Holy Quran, and betrayed the teachings of Prophet Muhammad (PBUH).

In the appendix, you will find my interview in response to Al-Jazeera's interview with the Nusra front leader Al-Julani, and his views on minorities. In Sunni Islam, we condemn terrorism and the extremist ideology behind it, in whatever form it appears and we see no difference between ISIS and Al-Qaeda, as both have the same ideology and their main difference is on leadership and priorities.

It is my hope that this contributes to the defeat of ISIS, which has already started on the ground, by refuting its ideology, thus reducing the numbers of its supporters around the world. I also hope that the reader will find this second edition to be a resourceful guide in unearthing the true teachings of Sunni Islam with regards to the ideology of ISIS and its crimes.

MUHAMMAD AL-YAQOUBI

Preface to the First Edition

Islam has never been challenged from the inside as it is being now. Scholars are therefore obliged to respond, and their response should be intellectually rooted and conclusive. The ideology of ISIS is based on a complex system of fallacies that sever the sacred texts from their context. It also thrives on a series of devious stratagems that make selective use of whatever elements of the Shariah (Islamic law) satisfy their twisted minds.

There is a myriad of proofs to destroy the allegations made by ISIS and expose their manipulation of the Shariah, but knowledge of these proofs is confined to scholars who are familiar with the classical texts and is generally not accessible to the average reader.

To address this knowledge gap I wanted to write this book—to offer a handbook that clarifies the position of Sunni Islam towards ISIS and its atrocities and provides the public with a scholarly response based on sacred texts and classical works. It is also the first attempt to defy ISIS intellectually, not only by offering a decisive rebuttal to their feeble narrative but also by defining the theological standing of the group and the illegal status of their self-declared caliphate. This book proceeds through a series of carefully constructed arguments, proving that the so-called "Islamic State" is neither Islamic nor a state, but rather a deviant group that is driven by anger, hatred, and a thirst for power, using Islam to reach their goals.

This book was written in February 2015 and first published in Arabic in June of the same year. I subsequently rendered the book into English. Although it is an advantage for any author to translate his own work, there is always the appetite to expand the original text, especially when the audience or the style dictates so. Nevertheless, I maintained the same order of chapters and quotes, but added a few points which were raised in a recent media interview about the status of religious minorities under Islamic governance; specifically as to whether they must embrace Islam, face execution, or maintain their beliefs and be citizens in their countries, living

peacefully, side-by-side with Muslims and other groups. The latter is the opinion held by the majority of jurists.

Refuting ISIS is aimed at five different groups: (1) Muslim youth who are being influenced by the propaganda of ISIS, with no credible alternative perspectives; (2) ordinary Muslims, who are against ISIS but are seeking answers to the new theological and legal challenges brought about by ISIS; (3) new recruits to ISIS, to help them defect by proving to them that ISIS has no valid roots within Islamic theology and that the oath of allegiance to its leader is void; (4) the fighters of the Free Syrian Army (FSA) in Syria as well as the Muslim pilots from the alliance against ISIS and their families, many of whom wonder about the legitimacy of the war against their "Muslim brothers" and whether they die as martyrs for a just cause; and (5) the western audience: academics, journalists, politicians, and the public, the majority of whom have always admired Islam as a set of tenets and a religion of peace and civility. When faced with the practices of ISIS, many within this category of people wondered where the Muslim scholars were and why they were silent. Many in the West have heard Muslim figures in the media disassociating true Islam from the actions of ISIS, but for intellectuals that in itself was neither convincing nor sufficient. The voice of an expert and scholar from within Islam was required in order to dig out the treasures of the Islamic legal system and present proofs that undeniably refute the allegations of ISIS and expose its fallacies.

There are several elements in the ideology of ISIS that contribute to its extremist views and practices. Some may be derived from Sayyid Qutb's[1] works and the hardline Muslim Brotherhood movement. Others may have stemmed from the Salafi movement, which gave birth to what is known today as Jihadi Salafism. I have not engaged in tracing the origins of ISIS' ideology, as this work does not aim to present a historical study or a political analysis. This work is an attempt to put forward the views of Sunni Islam, the religion of the majority of Muslims in the world today, concerning the challenges presented by ISIS, explaining views which are supported by classical texts and major works in the corpus of Islamic law.

Salafism in itself is of two types: (1) Salafism in dogma, which constitutes an independent theological school, with Ibn Taymiyya[2] as its leading ideologue, whose beliefs tend towards anthropomorphism; and (2) Salafism in law (*fiqh*), which is characterized by rebelling against the four Sunni schools of Islamic law (*madhab*s) and calling people to consider the

Quran and the Prophetic Traditions as the only sources of legislation, thus discarding the legacy of the four schools and their centuries of scholarship, at times going to the extent of ridiculing their adherents. The Salafi movement was strengthened in the late 19th and early 20th centuries by Muḥammad ʿAbduh[3] and Rashīd Riḍā[4]. Saudi Arabia strictly follows the Ḥanbalī school, so its Salafism is limited to theology while it recognizes the other three schools of law. ISIS, on the other hand, rebels against all the schools of Islamic law, and against most Salafi interpretations too, while adhering to Ibn Taymiyya and Ibn ʿAbd al-Wahhāb[5] in their theological views. This lack of a qualified authority in law, coupled with the absence of a major reference point or manual of law in the hands of ISIS' judges and Shariah personnel, has led many commanders placed in charge of a situation to present a contrived legal ruling based on their own understanding of the Quran and Tradition, most often selecting the quotes which seemingly validate their vengeful ill-will. The brutality we have witnessed from this group is a testament to the inherent danger of giving ignorant fanatics the authority to do the job of the great independent legal authorities (*mujtahid*s), a status which even great figures such as al-Ghazālī[6] and al-Nawawī[7] could not claim.

Therefore, the extreme practices of ISIS are a direct consequence of the breaking of the authority of the Sunni doctors of law. The movement that interrupted this authority has developed for well over a century and was strengthened by two factors. The first factor was the marginalization of traditional, moderate Islam at the hands of secular governments in most parts of the Islamic world (with Morocco being an exception due to the Islamic authority its monarchs assume). The second factor was the rise of political Islamic movements, which often adopted a Salafist approach in the course of their rebellion against the authority of the *ʿUlamāʾ* (scholars) and against the classical institutions of Sunni Islam such as al-Azhar and *fatwa* administrations, which they consider obstacles to the establishment of their own Islamic state.

Despite the criticism they have received, and despite all of the opinions that may seem irrelevant in today's practice of Islam, the four Sunni schools of law remain the safeguard from the disarray we witness today. There are several reasons for this. First, these schools bear the seed for development; as they set forth a group of principles and a collection of governing legal rules that allow them to evolve from within the school

itself, according to changing conditions in every specific time and place. Imam al-Shāfiʿī, for example, changed most of his legal opinions when he migrated to Egypt. Furthermore, in every school of law there is the old camp and the new camp whose opinions in many cases may be conflicting. In the Mālikī school of law, and specifically, in the works of Imam al-Shāṭibī, we find the principle of *Maqāṣid al-Sharīʿa*, meaning the higher purposes and goals of the law, which give the legislator the authority to freeze a text and act against it, an example being when the Caliph ʿUmar halted the application of the penalty for theft during a year of famine.

It is in these schools that we find the principles and the precedents to counter the extreme practices of ISIS which it attributes to the Shariah. Readers will see in this book several examples to illustrate this point, but let me elaborate here on one specific example regarding Islamic penalties: the Ḥanafī school of law took the opinion that legal penalties, *ḥudūd*, cannot be implemented in a time of ignorance, and the Shāfiʿī school of law stated that penalties cannot be implemented if there is fear that the accused may abscond to the enemy or leave Islam entirely.

The readers of this book will see quotes and anecdotes that are rarely mentioned or highlighted in contemporary Islamic discourse. In this work, I have selected only from reliable, classical books of law and presented proofs as samples to show the real character of Islam and its inherent principles of tolerance and mutual respect for all of humanity. In order to refute ISIS and destroy their arguments, I have followed in this book a method of bringing sounder proofs and more reliable texts, which may be referred to as a counter-narrative. For the sake of brevity, I do not engage in detailed discussion and analysis of ISIS' arguments or take a critical look at their proofs, thereby making it easier for the general reader to digest and allowing it to reach its main intended audience—every young Muslim.

I am fully confident that ISIS will be defeated, but the question is at what cost? The more we allow its ideology to spread, the more recruits will be joining it, which means more production of suicide bombers and more loss of innocent lives. Even if ISIS disappears, as long as its ideology prevails it will give birth to new and more radical groups. Therefore, the ideology must be defeated; the position of moderate Islam must be strengthened, and its institutions must be enabled and supported.

The West should be aware that Muslims are not terrorists and are not responsible for barbarities of ISIS; on the contrary, they are also victims of

ISIS in Iraq, Syria, Libya, and other places.

This second edition of the book comes after the heinous attacks that ISIS perpetrated in Paris. These attacks, which must be condemned by Muslims scholars and preachers around the world, are another testimony that ISIS, by killing women, children, and civilians, has betrayed Islam, betrayed the Holy Quran and betrayed the Prophet of Islam (PBUH).

Notes

[1] Sayyid Qutb: Ibrāhīm Ḥusayn Shādhilī Sayyid Quṭb (born Oct. 9, 1906 near Asyut, Egypt, died Aug. 29, 1966, Cairo), a prominent Egyptian writer who, although initially a secularist, joined the Muslim Brotherhood movement upon his return to Egypt after studying briefly in the United States. He was imprisoned and executed under the regime of Jamal Abdel Nasser on charges of sedition, alongside other Muslim Brotherhood leaders.

[2] Ibn Taymiyya: Taqī al-Dīn Abū al-ʿAbbās Aḥmad b. ʿAbd al-Salām b. ʿAbd Allāh b. Muḥammad Ibn Taymiyyah (born 1263, Harran, Mesopotamia, died September 26, 1328, Damascus, Syria), an Islamic scholar with controversial views about Islamic theology and law. He is the primary source for the Wahhābī movement. A member of the Ḥanbalī school of law, he sought a return of Islamic jurisprudence to the Quran and Sunna. He died in Damascus after imprisonment due to disputes with the religious and political authorities of his time.

[3] Muḥammad ʿAbduh (born 1849, Nile Delta area, Egypt, died July 11, 1905, Alexandria), a religious scholar, jurist, and liberal reformer. ʿAbduh was a key figure in Islamic modernism and the Grand Mufti of Egypt (from 1899). He instituted reforms in Islamic law, administration and education. Resisted by his contemporaries, ʿAbduh's reforms aimed to break the reliance on the traditional schools of Islamic law.

[4] Rashīd Riḍā: Muḥammad Rashīd Riḍā (born September 23, 1865, al-Qalamūn, Ottoman Syria [now in Lebanon], died August 22, 1935, Egypt), an Islamic scholar and one of the pioneers of the Salafi and Islamic modernist movement alongside Muḥammad ʿAbduh and Jamāl ad-Dīn al-Afghani.

[5] Muḥammad b. ʿAbd al-Wahhāb: born 1703, ʿUyayna, Arabia [now Saudi Arabia], died 1792, Dirʿiyya), a theologian and founder of the Wahhābī Movement, whose doctrines claim to be a return to the early era of Islam. He made a stand against what he perceived as innovations (*bidʿa)* in the Islamic tradition and focussed on fighting what he believed were forms of polytheism in the practices of Muslims. He allied with Ibn Saʿūd in 1744, creating the first Saudi state in Dirʿiyya, initiating conquests that would see Wahhabism become a significant force in Arabia from 1800.

[6] Al-Ghazālī: Abū Ḥāmid Muḥammad b. Muḥammad al-Ṭūsī al-Ghazālī (born 1058, Ṭūs, Iran, died Dec. 18, 1111, Ṭūs), a Muslim theologian and a great authority in Islamic law, belonging to the Shafiʿī school. His works on Sufism are indespensible in Sunni Islam. The impact of his works in Islam led him to being known as a "renewer" of the religion and also the Proof of Islam or "Ḥujjat al-Islām."

[7] Al-Nawawi: Abū Zakariyyā Muḥyī al-Dīn Yaḥyā b. Sharaf al-Nawawī (born 1233, Nawā, Syria, died 1277, Nawā), a prominent Sunni Shafiʿī jurist and influential hadith scholar whose works quickly gained widespread acceptance across the Muslim world.

Introduction

The group known as “The Islamic State”—which the media typically refers to with the initials ISIS, which stands for “The Islamic State in Iraq and Syria,” or ISIL, which stands for “The Islamic State in Iraq and the Levant”—may be the most dangerous enemy Islam has ever seen. It has spread fear and terror; it has driven many youth into extremism and made them monsters; and it has given some opportunists the necessary impetus to attack Islam.

Several factors contributed to its emergence: the propagation of a *takfīr* mentality amongst the young; ignorance that has spread amongst Muslims; the scarcity of scholars who defend Islam with wisdom and moderation; the domination of a religious discourse based on hate in place of wisdom, and on fanaticism in place of tolerance; and reliance of the young upon the internet and television for their religious knowledge, replacing scholars who are the primary source of knowledge.

A number of questions were sent to me in the past few months regarding this group. These questions in detail are:

1. Is the declaration of a caliphate by ISIS valid?

2. Is the oath of allegiance to this alleged caliph, Abu Bakr al-Baghdadi, binding?

3. What does Islam say about joining ISIS?

4. Are the crimes of ISIS justified in Islam?

5. Is it permissible to kill non-Muslim citizens or visitors?

6. Is the enslaving of Yazidis permissible in Islam?

7. Is the implementation of Islamic penalties at times of war and anarchy permissible?

8. Are Muslims allowed to fight against ISIS?

9. Does ISIS represent Sunni Islam and are they still Muslims?

10. How do we protect our youth from being brainwashed by the ideology of ISIS?

A number of brigades in Syria have started fighting against these extremists, which has distracted many of them from jihad against the Assad regime. Likewise, a number of Muslim nations have declared war against ISIS. Fighters in Syria and other Arab nations have rightly inquired about one ruling in particular: does someone who is killed in these battles attain martyrdom? The quotes we provided from the sayings of the Prophet Muhammad (PBUH) clearly prove that they are martyrs.

For some time, discussions have been taking place in the public sphere regarding the status of pilots who participate in the war against ISIS, and while some famous scholars have hesitated in giving a ruling, others did not even consider those killed while fighting ISIS as martyrs—a position which I refute in this book. Similarly, wherever I go, I am often confronted with questions from the public about Islam's position regarding the heinous crimes perpetrated by members of this group in the name of Islam. Furthermore, a number of non-Muslims have questioned the stance of Sunni Islam regarding the actions of ISIS. Given the false categorization of ISIS' followers as Sunni Muslims that has proliferated in the public psyche, many non-Muslims are seeking clarity on the extent to which the views and actions of ISIS may indeed represent Sunni Islam. The need for clarity is intensified by the fact that a number of western media outlets have seized the opportunity to promote a false equivalency between the ideology of ISIS and the position of mainstream Muslims, a prominent example being Fox News. These media outlets have extracted substantial material from this group's fatwas, stances, and crimes to promote a fear of Islam amongst their western viewers, in a time where the tide of moderate Islam in the west is rising, as is the number of those entering the faith.

Due to the gravity of the subject and my obligation to expound upon the ruling of God Almighty concerning it, I have compiled this concise

book and made it a detailed fatwa explaining the legal ruling of fighting ISIS, proving that they are *Khawārij*, or deviators, and outside of the fold of Islam. I conclude that fighting them is necessary.

Through systematically constructed arguments and proofs, I reach the following conclusions:

1. ISIS' claims to a caliphate are null and void, and their declaration of a caliphate has no legal consequences and it does not give them the status of a legal state; rather, they should be treated as a group of thugs.

2. Attacks against civilians and places of worships in the Muslim world are crimes, and the suicide bombers who commit these crimes are not martyrs.

3. The oath of allegiance to ISIS' alleged caliph is not binding.

4. Joining ISIS is forbidden and is a crime against God and contradicts Islam, and one cannot be a true Muslim and an ISIS member at the same time.

5. ISIS' actions are in complete contradiction to the Shariah, and their crimes cannot be justified in Islam. Islam's teachings clearly prohibit the killing of women, children, and civilians and prohibits burning and torture.

6. It is forbidden to kill non-Muslim citizens or visitors, because they are under contract and are protected.

7. Muslims living in any non-Muslim country must abide by its laws and regulations.

8. Enslaving the Yazidis is an act of treachery against innocent people who lived side-by-side with Muslims for centuries; it is therefore invalid. Slavery is now forbidden due to international treaties which bind Muslims as well as the rest of the world.

9. The implementation of Islamic penalties at times of war and ignorance is impermissible.

10. Muslims must fight against ISIS and bring about its defeat. It is a legal obligation for those in the region in order to dismantle this criminal entity.

11. ISIS does not represent Sunni Islam, and by their deviant beliefs they are already outside Islam.

12. To protect our youth from the ideology of ISIS we need to spread moderate Islam not secular ideas; replacing ISIS' ideology by secularism breeds more extremism.

To provide historical context, the *Khawārij* are a sect that appeared in the first century of Islam and have manifested throughout the centuries since. They deviated from mainstream Islam and were known for killing Muslims under various pretexts. This sect was described in numerous Prophetic Traditions (hadith), which I shall detail in the second chapter of this book. According to the words of the Prophet Muhammad (PBUH), the followers of the *Khawārij* are described as "the dogs of Hell," and "the worst of both men and animals." Although the historical sect of the *Khawārij* does not exist today, we have clear proofs in the Prophetic Traditions that it would re-emerge at various times throughout the centuries of Islam. The comparison between the crimes and practices of ISIS and the description of the *Khawārij* mentioned in the words (hadiths) of the Prophet (PBUH) substantiates my conclusion that ISIS is the modern-day *Khawārij* group, further implying that its followers have deviated from Islam and that fighting them is obligatory.

I have enumerated their crimes and have provided proofs illustrating their clear contravention of the Shariah. In Syria and around the world, they have killed women, children, civilians, Muslims, and people of other faiths, betrayed non-Muslim citizens, kidnapped foreign visitors, tortured prisoners, burned people alive, and enslaved Yazidis—among many other crimes which the reader will find detailed in this book.

The question of whether or not ISIS are still Muslims will also be discussed. Quotes of scholars who deem the *Khawārij* to be unbelievers have been mentioned and I have also included the fatwa of Shaykh Bin Baz[1] who strongly condemns them as unbelievers.

In a nutshell, ISIS, despite calling itself a state, is not a state from a Shariah point of view, and despite its claim to belong to Islam it is acting

against it and is destroying it.

ISIS uses Islam and the fanciful notion of jihad to recruit young people and to deceive Muslims who feel oppressed; ISIS lures them by convincing them that the current Muslim states are un-Islamic and therefore an Islamic State must be established and they must migrate to it. They live in a world of delusions, believing a miracle will enable them to emerge victorious. For this reason, they are happy to destabilize the region, tear Syria and Iraq apart, draw the USA into a military intervention, and provoke Iran.

By fighting the entire world, they have an underlying goal that we should never allow to happen: to provoke the West against the Muslim world, to give legitimacy to their fight and provide an impetus for angry Muslims to join their cause. Several Western governments have been aware of this fact, as evidenced by the words of many high-level officials and policy experts.[2]

It is also worth drawing the reader's attention to the overwhelming suspicion surrounding this group, its instigators, its alliances, and its objectives. Who is behind ISIS? How did it succeed in dominating Mosul, Ramadi and Palmyra? Why does it target the militias fighting the Assad regime in Syria? Why is it attempting to eradicate the history of the region through demolishing historical monuments? Why is it compelling minorities to migrate from the region? Why is it persecuting Sunni Muslims? Why is it sparking hatred between sects and sowing dissent between clans that have lived harmoniously for centuries? [3] Why is it engaging in economic transactions with the same Syrian regime that it professes to oppose? [4]

These are all questions that raise significant doubts and suspicions, emphasizing the point that perhaps there are nefarious strategists behind the rise of ISIS, and that Islam is nothing but a cloak worn by this group to fulfill ulterior motives, thereby distorting the image of Islam in the public conscience and portraying it as a barbaric religion far removed from civilization, humanity, mercy, and justice. Unsurprisingly, testimonies have been uncovered that disclose the extent of al-Baghdadi's ignorance of Islamic law, his extremism, and his incompetence.

I have devoted a chapter to explain the position of Muslim minorities living in non-Muslim countries with some of the necessary legal rulings which are based on citizenship contracts. In this context, I have further

uncovered ISIS' contravention of the Shariah and its deliberate distortion of Islam by violating valid contracts.

One of my intentions behind this book is to clarify the position of the Shariah in contradistinction to the distortions made by the extremists and the ignorant, just as God Almighty obligates us, as religious scholars, to do. For this reason, I have endeavored to dispel any ambiguities by presenting appropriate arguments in every instance from the Holy Quran, the Prophetic Tradition, and the words of the great jurists.

Another primary objective underpinning this book is to educate and rescue innocent young men and women who are deceived into traveling from various countries to join ISIS. They come with idealized dreams of an Islamic state that are abruptly shattered when they behold a contemptible gang of criminals. Many of these young Muslims, men and women, eventually try to flee from this group's dictatorship; some end up murdered by the same people who invited them. We encourage the new recruits and all those who have been deceived by ISIS to repent and return to their roots, for the repentant are like the sinless.

Through this book, I aspire to promote dialog between Muslim communities and the other faith groups or atheists in Western society. I also hope that this book contributes to the establishment of peace, encourages peaceful coexistence between Muslims and non-Muslims, reduces Islamophobia, and proves that Muslims, who number 1.6 billion, do not represent ISIS.

I have closely followed the arguments ISIS has published in their literature, such as the book entitled *Informing Mankind of the Emergence of the Islamic State* (*Iʿlām al-anām bi milād dawlat al-Islām*) so that I base my refutation on their words, not on what is said about them.

I have read the books and arguments penned to date in refutation of this group, some of which have been authored by leaders of the Salafi-Jihadi movement. I have used their statements as proofs against ISIS' claims and actions, although I do not condone their ideology.

Based on the obligation to raise public awareness, I call upon preachers and teachers in mosques and institutions across the world to explain these rulings to the masses. It is an obligation to shed light on these ambiguities, and it is impermissible to leave people exposed to uncertainties and doubts on grave issues of this nature.

ISIS is instigating a vast propaganda campaign and justifying the heinous crimes it is committing under the pretext of supporting Islam and implementing the Shariah, thereby attracting the hearts of many of the laity. Every imam, speaker, and teacher of faith in Islamic institutions and colleges carries a responsibility before God Almighty to rescue his audience from the clutches of unbelief, misguidance, death, and destruction.

Likewise, I urge the media and the educational institutions to spread this *fatwa*, to communicate its contents, and to hold seminars to discuss its contents. Furthermore, I suggest that this book be added to the curricula of Muslim schools and faculties of Shariah around the world.

Lest despair arise over the expansion of this criminal group, I bear glad tidings for Muslims that victory over these *Khawārij* is imminent. Whoever dies at the hands of this group is the best of martyrs, and whoever remains patient shall be rewarded and shall witness victory. Islam has endured many malevolent groups, trials, and calamities throughout history, and through its justice and mercy, as well as its adherence to the pious scholars and righteous believers, it has prevailed. The strength of Muslims is not in their numbers or material resources, as proven by the words of God Almighty, ﴿*And on the day of Hunayn; behold! Your great numbers elated you, but they availed you naught*﴾ (9:25). Rather, it was their belief, humility, and obedience to God Almighty and their submission to Him that resulted in victory. This was the state of the Muslims in the Battle of Badr and God Almighty said regarding them, ﴿*Truly God helped you at Badr, when you were a contemptible little force*﴾ (3:123).

The pious predecessors of the first generations provided the most superior and relevant example for all posterity: spreading Islam, opening the way for humanity to embrace it, and establishing a civilization—not by force, compulsion, or oppression, but rather by showing good character. Their excellence in conduct was rooted in being truthful in their interaction with non-Muslims, fulfilling their promises, establishing justice even when challenged, threatened, or defeated, and showing mercy to enemies before showing it to friends. In their example we find the culmination of sincerity, God-consciousness filling their hearts, mercy dwelling in their chests, and justice governing their intellects. Their model exemplifies the power of belief when coupled with good character.

When our pious predecessors took the Messenger of God (PBUH) as their role model in worship and conduct without separating one aspect from another, they became great and true leaders who inspired the world. They saw how the Prophet (PBUH) pardoned his enemies[5] after thirteen years of oppression and eight years of wars, including the pardoning of Waḥshī[6], the killer of his own paternal uncle Ḥamza[7], and the pardoning of Hind[8], the lady who chewed Hamza's liver upon his martyrdom. They understood the Prophet's (PBUH) definition of a Muslim when he said, "The perfect Muslim is the one whom others are safe from his tongue and hand." This is how the rest of humanity should recognize a Muslim and how his or her belief is relevant to the society in which he or she lives.

As time passed and true faith became diluted, some of these principles were forgotten, thus paving the way for small fanatical groups, which claimed a monopoly on true Islam, to emerge. Many grew disillusioned and followed a course of violence, partly due to the cultural shock of the West and its ideals, and therefore abandoned their history and neglected their heritage, portraying Islam as a barbaric religion incompatible with modernity. In the process, we left the unique qualities of our faith, which create an unbreakable link between the theological and spiritual foundations and the social and ethical conduct expected of its believers, as was demonstrated to us in perfection by our Prophet (PBUH).

Consequently, the Muslim community as a whole plunged from strength to weakness, from honor to humiliation, from a revered community to one of disrepute. The only cure is to return to the supreme example presented by the Messenger of God (PBUH) by adhering to his Sunna, embracing his guidance, adorning ourselves with his character, and following his heirs: the pious predecessors and righteous scholars.

The foundational ethics of Islam are based on mercy and justice. The Messenger of God (PBUH) was only sent with mercy and wisdom. He said, "God, the Most Merciful, is merciful only to those who show mercy. Be merciful to all on the Earth and the Master of the Heavens will show mercy to you."[9] Saladin (d. 1193), the famous Muslim ruler at the time of the Crusader invasion during the Middle Ages, did not enter the annals of history but for his character, justice, and good conduct with adversaries during both peace and war.

Ibn Qayyim al-Jawziyya described the Islamic Shariah, "The bedrock and foundation of the Shariah is wisdom and people's benefit in this life and

the next. It is all justice, mercy, benefit, and wisdom. Every ruling that departs from justice for injustice, that departs from mercy for its opposite, that replaces benefit with harm and wisdom with folly, is not from the Shariah, but rather inserted via interpretation." [10]

We advise readers of this book to thank God for the blessing of safety and security in the land where they live; to hold to the middle way of Islam away from fanaticism and extremism; to look upon their own faults; and to be concerned with improving themselves, purifying their hearts, establishing good relations between themselves and God, and between themselves and mankind, in order to achieve true belief, sincerity in worship, reliance on God and good conduct. The perfect Muslim, as defined by the words of Prophet Muhammad (PBUH), is the one who does not harm anyone either by his tongue or by his hand.

I see the beginning of the end for this abhorrent group. That is because their followers are destroying Islam from within, striking at the hearts of Muslims, taking the corpus of knowledge, jurisprudence, and principles of legal judgments that have reached us and replacing them with the words of ignorant men. Such men have never smelled the scent of knowledge, have not embodied even the lowest level of piety, and have not tasted humility in obedience towards God Almighty. There is a huge distance between them and the noble qualities of the Messenger of God (PBUH).

Every science has its own experts, many of whom would spend fifty years reading, revising, researching, teaching and authoring, and when asked a question they would stop and ponder. They would not be content with what they acquired throughout their lives, but would persist in contemplation and reflection. They would resolve an issue through revision and research out of fear of God Almighty lest they show haste in making a legal judgment or err in giving a fatwa.

There is no scholar amongst these criminals who is an authority, whether in theology, exegesis, Tradition, jurisprudence, legal judgments or international Islamic law. There is not even a qualified student of knowledge amongst them who has taken his learning from trustworthy experts following the required curriculum; so how can they embark on issuing fatwas and giving legal verdicts? They pass judgment about killing without a second thought, as though slaughtering humans is easier than slaughtering livestock. Abū Salama once asked the wife of the Prophet (PBUH), ʿĀʾisha regarding the actions that necessitate a ritual bath *ghusl*. She

responded by saying, “Do you know what you are like, Abū Salama? You are like the chick who hears the roosters crowing and starts crowing with them.” Either she said this because he was young or because he delved into something unsuitable for his level.[11]

So how is it then that we are confronted by a group of youth who are not even beginners in knowledge, yet they readily threaten Muslims with excommunication and arbitrarily pass judgments to kill, imprison, kidnap, and loot? To describe them as ignorant is an understatement, as a man may be excused due to ignorance but their ignorance is compound and complex.

Sunni Muslims in Iraq have suffered from the injustice of the Maliki regime and the people of Syria have suffered from the terror of the Assad regime. Then came ISIS to increase the injustice and terror, leaving the innocent citizens of Iraq and Syria stranded between two horrific options.

My words to those exposed to injustice and oppression in Syria or Iraq: Have patience as victory is near. Do not let despair or revenge lead you to join ISIS or be deceived by its propaganda; ISIS is the worst enemy of Islam.

Notes

[1] Bin Bāz: ʿAbd al-ʿAzīz b. ʿAbdullāh Bin Bāz (born November 21, 1910, Riyadh, Saudi Arabia, died May 13, 1999, Mecca, Saudi Arabia), a prominent Saudi Islamic scholar and leading proponent of Salafi Islam. Bin Bāz served as the Grand Mufti of Saudi Arabia from 1993 until 1999. His authority is not recognized by al-Qaida and ISIS or by the Salafi-Jihadi movement in general.

[2] Already, al-Qaeda and other jihadist groups are rallying to the ISIS flag to face the “War of the Cross” waged against them. And already, western-backed rebels are becoming “traitors,” and those who “deal with the West” are becoming “part of the West”—i.e. apostates.

[3] UN News Service, *Iraq: UN documents rights violations of increasingly sectarian nature*, 23 February 2015, available at: http://www.refworld.org/docid/54eefd034.html [accessed 2 December 2015]

[4] http://www.businessinsider.com/revealed-the-oil-middleman-between-the-syrian-regime-and-isis-2015-3 (last accessed December 2, 2015);

http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10585391/Syrias-Assad-accused-of-boosting-al-Qaeda-with-secret-oil-deals.html (last accessed December 2, 2015).

[5] Conquest of Mecca (629 CE), this refers to the return of Muslims to Mecca, marching from Medina in the year 629 CE. The Prophet Muhammad (PBUH) entered Mecca victorious but instead of taking revenge on its inhabitants, he pardoned them all.

[6] Waḥshī b. Ḥarb: born c. 6th century, died c. 7th century, Homs, Syria, he was an Ethiopian Companion of the Prophet Muhammad (PBUH) and a former slave. He is best known, before accepting Islam, for killing the uncle of the Prophet Muhammad, Ḥamza b. ʿAbd al-Muṭṭalib, and, after embracing Islam, for killing Musaylima al-Kadhdhāb, the leader of an enemy army who rejected Islam and claimed to be a prophet.

[7] Ḥamza b. ʿAbd al-Muṭṭalib, born c. 566, Hejaz, Arabia, died 625, Uhud, near Medina, he was the paternal uncle of the Prophet Muhammad (PBUH). Known as the *Lion of God* for his skill in fighting and also as *Sayyid al-Shuhadāʾ* "Chief of the Martyrs," a title given by the Prophet Muhammad (PBUH) after his death in the Battle of Uhud.

[8] Hind b. ʿUtba born c. 6th Century, Hejaz, Arabia, died 636, Hejaz, the wife of Abū Sufyān b. Ḥarb, a powerful tribal leader in Mecca. Initially hostile to Islam and the Prophet Muhammad (PBUH), both Hind and Abū Sufyan accepted Islam after the conquest of Mecca in 629.

[9] An authentic hadith recorded by Abū Dāwud in the section "Manners," under the chapter "Mercy"; al-Tirmidhi in the section "Righteousness and Kinship," under the chapter "What is Narrated Regarding Mercy to People"; Ibn Ḥibbān in *al-Ṣaḥīḥ*; and al-Ḥākim who declared it authentic in *al-Mustadrak* and with whom al-Dhahabī agreed. It is the best known narration transmitted with a recurring quality, phrase or action (*musalsalāt*). This is the hadith I heard from a number of scholars. The shortest of my chains to the Prophet (PBUH) has twenty-three narrators.

[10] Ibn Qayyim al-Jawziyya, *Iʿlām al-Muwaqqiʿīn ʿan Rabb al-ʿĀlamīn*, vol. 3 pp. 14–15.

[11] Al-Bayhaqī, *al-Sunan al-kubrā* (vol. 1 p. 166). The explanation is from the words of al-Qāḍī Abū al-Walīd al-Bājī in *al-Muntaqā Sharḥ al-Muwaṭṭa* vol. 1 p. 106.

CHAPTER I

Proving that ISIS' Followers are Renegades (*Khawārij*)

This is perhaps the most crucial chapter of the book, because it provides the theoretical framework used by traditional Islamic scholars to condemn ISIS. Their condemnation, which is based on irrefutable juridical proofs (i.e., authenticated texts from the Islamic tradition), is unequivocally harsh and leaves no room for reservations. It can be summed up in one sentence: ISIS is the modern-day form of the *Khawārij* movement predicted by the Prophet Muhammad (PBUH) and described by him as renegades who will abandon Islam, despite their claim to be Muslims.

The reader is invited to compare the description of the *Khawārij* given by the Prophet (PBUH) to the characteristics and actions of the ISIS movement. The inescapable conclusion, as we shall see, is that there is a "positive match" between the two—ISIS *are* the modern-day *Khawārij*.

Although the members of ISIS are nominally Sunni Muslims, in reality they have abandoned Sunni Islam, as witnessed by the aberrant beliefs that they profess and the horrific crimes that they routinely perpetrate. What is even worse, they shamelessly justify their crimes and instigate others to commit them. All this happens in total violation of Islamic law, whose rulings they deliberately distort. Without stretching the imagination, one could say that ISIS members are on the verge of leaving Islam entirely. In fact, they have already morphed into an anomalous pseudo-religious movement of their own, which oscillates between belief and unbelief. All considered, they are certainly closer to unbelief (*kufr*). That is why describing them as belonging to the Sunni denomination is totally incorrect. Suffice it to say, traditional Sunni authorities all over the world disown ISIS in the most emphatic manner and condemn them. Even

their qualification as Muslims is a highly-debated point of contention among the Muslim scholars, as we shall see in this fatwa.

As already observed by several scholars, there are solid and poignant reasons to consider ISIS followers *Khawārij*. Here I will only mention three of their major areas:

1. Revolting against the Muslim community (both against rulers and the community of the believers);

2. Accusing the majority of Sunni Muslims of being unbelievers; and

3. Deeming as permissible the spread of injustice and corruption across the land by means of killing, wanton destruction, and plunder.

These three categories immediately bring to mind the characteristics of the *Khawārij* in the early days of Islam. They too adopted extremist tendencies and declared all Muslims unbelievers—including many illustrious Companions of the Prophet (PBUH)—only because they would not adopt their beliefs. Taking advantage of the political instability at the time, those early rebels led an insurrection campaign that culminated in open revolt against the Caliph ʿAlī. Their mischief precipitated the Muslim society into chaos and sedition. Eventually the rebellious movement was quelled, but at a great cost of human lives.

The Prophet Muhammad (PBUH) had foretold the advent of the *Khawārij* and warned Muslims of the danger they posed. He explained that, despite their outward adherence to religion, the *Khawārij* would effectively "leave" Islam (the word *Khawārij* literally means "those who exit," meaning "leaving the Muslim community and turning against it"). The Prophet (PBUH) described them in detail so that no Muslim would be deceived by them. Their most deceptive and efficacious ruse is their claim to be strict adherents of Islam. What they claim is diametrically opposed to the truth, as the reader will see.

DESCRIPTION OF THE *KHAWĀRIJ* FROM THE EARLIEST ISLAMIC TEXTS

1. It is related in the two most authentic collections of Prophetic traditions that the *Khawārij* are "the worst of mankind and animals."[1] They are ranked as worse and more dangerous than any enemy, because the harm they inflict on Islam is more severe. In Imam Muslim's *Ṣaḥīḥ* collection there is a section heading with this description, highlighting the level of the evil of the *Khawārij*.

2. The Prophet (PBUH) also said that "they shall pass *out of* the religion, just as an arrow passes out of the prey." [2] This simile refers to the ease and definitiveness with which they will exit the fold of Islam. This hadith is *mutawātir* (i.e., reported by a large number of narrators, independently) and constitutes one of the strongest proofs against the *Khawārij*. On the strength of this Prophetic narration, a large number of scholars has opined that the *Khawārij* are not Muslims.

3. The Prophet (PBUH) referred to their false claims of following the Holy Qur'an saying "They call to the book of Allah though they do not belong to it in the slightest." This means that in reality ISIS and any group that adopts similar religious ideology is far from Islam.[4]

4. It is crystal clear to anyone who has a modicum of knowledge in the Islamic tradition that in the eyes of God Almighty the standing of the *Khawārij* is truly wretched. The Prophet (PBUH) described them as "the worst of those who are killed under the sky." [5]

5. He also said: "Glad tidings to the one who kills them and the one who is killed by them."[6] Probably the most blistering labels attributed to them by the Prophet (PBUH) are "dogs of Hell" and "dogs of the denizens of Hell."[7] That is, not only are they doomed to Hell, but they are dogs. This unequivocal judgment by the Prophet (PBUH) is sufficient, by itself, to illustrate how miserable and disgraced they are. They are damned and infamous for all perpetuity.

6. The Prophet (PBUH) also predicted that "they will seek the extremities of the religion, so much so that they will eventually leave the religion altogether."[8] In other words, they are what we call today "extremists." To underscore that extremism is prohibited in Islam, Imam al-Bukhārī, who is

counted as the highest authority amongst scholars of Prophetic traditions, titled a chapter section of his book, *Ṣaḥīḥ*, "Objectionable Practices: Extremist Tendencies, Quarrelsome Disputes in Religious Matters, Religiously-inspired Fanaticism, and Heretical Innovations."[9] Virtually all of these characteristics are typical of ISIS and its likes.

7. As narrated in *Ṣaḥīḥ Muslim*, the Prophet (PBUH) stated "Of all the creatures, they are the most hated by God Most High."[10]

8. To better understand the Prophet's words, Muslim scholars often study what the Prophet's Companions used to say about any given topic. Who can interpret the Prophet's words better than his Companions? So let us see what two Companions used to say about the *Khawārij*.

Abū Umāma, a Companion of the Prophet (PBUH), was heard saying "Of all who are killed under the sky, they are the worst. The best martyr is the one who is killed by them. They are *dogs of Hell*. They were Muslims *then became unbelievers*." [11] The narrator asked. "O Abū Umāma! Are these statements based on your personal judgment?" He said, "No! This is what I heard from the Messenger of God (PBUH)."

Furthermore, another Companion of the Prophet, called Abū Bakra, labeled the *Khawārij* as non-Muslims in very clear terms: "They have *absolutely no connection to Islam*." [12]

These statements from the Companions constitute a clear proof that, in their understanding, the *Khawārij* had left Islam and become unbelievers.

9. The Prophet (PBUH) said that the *Khawārij* "read the Quran assuming that it is to their benefit, but instead it is to their detriment." [13] This very characteristic applies perfectly to the *Khawārij* of our time, namely ISIS and their ilk. They too read the Quran and profusely quote its verses as evidence in support of their extremist doctrines and practices. For instance, they quote Qur'anic verses to prove that all Muslims who do not agree with them are unbelievers; likewise, they quote verses to justify their treacherous behavior towards the People of the Book. In reality, the Quran constitutes a proof *against* them and their aberrations, not a proof for them. The Quran condemns their atrociously base mentality and actions. One will naturally

wonder how they can be so deluded to believe that they are following the teachings of the Quran. The answer is simple: they misconstrue the meanings of the Quran by relying upon their own whimsical understanding. In reality, they are not even qualified to interpret the Book of God, so it is no wonder that they end up giving absurd interpretations of the Quran.

10. The belief of the *Khawārij* is limited to mere words, with no true conviction attached to them. We find an indication of this in the saying of the Prophet (PBUH) "Their belief does not go beyond their throats."[14] This means it hardly reaches their hearts. Although they claim to be believers, in reality they are the worst enemies of Islam. This is exactly what we see in the followers of ISIS, who are the *Khawārij* of our time.

11. In the two most authentic collections of Prophetic traditions (hadith), namely *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*, it is reported that ʿAlī heard the Prophet (PBUH) saying "In the end of time there shall emerge a group of people, adolescent and dim-witted. Although (apparently) they will be uttering the best words ever uttered and recite the Quran, in reality their faith does not pass beyond their throats. They shall pass out of Islam just as an arrow passes out of prey. So wherever you find them, kill them, for truly the one who kills them will receive from God a great reward on the Day of Judgment."[15] Here it is important to note that this is not an endorsement of vigilante actions, as the fight against the *Khawārij* can only be conducted under the proper authority.

12. Finally we turn to a Qur'anic verse that pithily summarizes the description of the *Khawārij*. God says, ﴿*O you who believe! Take not into your intimacy those outside your ranks; they will not fail to corrupt you. They only desire your ruin. Hatred [against you] has already appeared from their mouths. Yet what their hearts conceal is far worse. We have made plain to you the [revealing] Signs, if only you knew.*﴾ (3:118) In a rigorously authenticated narration the Prophet (PBUH) said "They are the *Khawārij*."[16]

THE RE-EMERGENCE OF THE *KHAWĀRIJ* AT THE END OF TIME

The statement of the Prophet (PBUH) “There shall emerge a people at the end of time” is a prophecy, which represents one of his miracles (PBUH). There are many other instances of future events foretold by the Prophet and later confirmed by facts.

After some reflection there is no doubt that the aforementioned Prophetic narrations refer to the followers of ISIS. Rebellious sects with the same characteristics of ISIS had already emerged during the Caliphate of ʿAlī and on several other occasions throughout history, and they were always labeled as *Khawārij*. Some Prophetic traditions predict the emergence of the *Khawārij* multiple times, through numerous eras, until the end of times. The Prophet (PBUH) himself warned about this: “Whenever a generation of them emerges, God Almighty destroys it.” The narrator of this tradition said: “The Messenger (PBUH) repeated that twenty or more times while I listened,” and in one variant we also find the textual addition “...until the last one of them emerges with the Anti-Christ (Dajjāl).”[17]

Al-Shahrastāni said “Whoever rebels against the true leader who has been elected by the majority [of Muslims] is deemed a *khārijī* [i.e., a member of the *Khawārij*], whether the rebellion was in the time of the Companions against the Rightly Guided Caliphs, against their pious predecessors or against leaders in any time.”[18]

Notes

[1] Abu Dharr narrated that the Messenger of God said “Truly after me there is [in another wording, “there shall be”] a people from within my nation who read the Quran though it does not pass beyond their throats. They shall pass out of the religion just as an arrow passes out of the prey and shall never return to it. They are the worst of men and animals.” Recorded by Muslim in the section “*Zakāt*,” under the chapter “The *Khawārij* are the Worst Creatures, of Men and Animals” (vol. 3 p. 116).

[2] Several companions narrated this description given by the Prophet (PBUH). Amongst them are ʿAlī, Ibn ʿAbbās, Ibn Masʿūd, Abū Saʿīd al-Khudrī, Anas b. Mālik, Jābir b. ʿAbdillāh, Sahl b. Ḥunayf, ʿUqba b. ʿĀmir al-Juhanī, Abū Barza al-Aslamī, Abū Bakra Nufayʿ b. al-Ḥārith b. Kalada, and Abū Dharr. Some of them narrate “They shall pass out of Islam.” See their narrations in *al-Musnad* of Imam Aḥmad b. Ḥanbal (vol. 1 pp. 88, 92, 131, 147, 151, 160, 256, 404; vol. 3 pp. 5, 15, 33, 52, 56, 60, 64, 65, 67,73, 159, 179, 224, 353–355, 476; vol. 4 pp. 145, 422, 425; vol. 5 pp. 42,176). The hadith of ʿAlī is recorded by al-Bukhārī, cf. (9). The hadith of Abū Saʿīd al-Khudrī is recorded by al-Bukhārī in the section “Asking Apostates and Rebels to Repent and Fighting Them,” in the chapter entitled “Killing the *Khawārij* and the Heretics after Having Expounded to Them the

Proofs That Refute Their Doctrinal Errors." (vol. 9 pp. 16–17) Muslim records it in the section "*Zakāt*," under the chapter "Recounting the *Khawārij* and Their Qualities." (vol. 3 p. 112)

3 Abū Saʿīd al-Khudrī and Anas b. Mālik narrated that the Messenger of God (PBUH) said, "Disputes and schism will afflict my nation. There will be a group whose words are good but whose actions are evil. Although they will recite the Quran, it will not pass beyond their throats. They shall pass out of the religion just as an arrow passes out of prey. They will only return [to Islam] when an arrow, after being shot, returns to its notch in the bow (i.e., never). They are the worst of both men and animals. Glad tidings to whoever kills them and whosoever is killed by them. They call to the Book of God though they do not belong to it in the slightest. Whoever fights them is closer to God than them." The Companions said, "O Messenger of God! What is their distinguishing feature?" He said "Head shaving." Recorded by Abū Dāwud in *al-Sunan* (see *Jāmi' al- Uṣūl* by Ibn al-Athīr, vol. 10 p. 79), and recorded by Imam Aḥmad in *al-Musnad* (vol. 3 p. 224).

4 Abu Dawud, section of Sunna, subsection on "Fighting the *Khawārij*", v. p. 34. Imam Ahmad, Al-Musnad, v. 3, p. 224.

5 Abū Umāma al-Bāhilī was heard saying, "They are the worst of those who are killed under the sky. The one who is killed by them is the best martyr. Dogs of hell, that is what they are! They were Muslims and then became unbelievers." The narrator said "O Abū Umāma! Are these statements based on your personal judgment?" He said, "No! This is what I heard from the Messenger of God (PBUH)." Recorded by al-Tirmidhī in his *Jāmi'* (vol. 2 p. 166) under the chapter "Exegesis of *Surat Āl 'Imrān*," and Ibn Mājah under the chapter "Recounting the *Khawārij*" (see *Jāmi' al- Uṣūl* by Ibn al-Athīr (vol. 2 p. 68), and recorded by Imam Aḥmad in *al-Musnad* (vol. 5 pp. 253, 257). Al-Ḥākim recorded it in *al-Mustadrak* (vol. 2 pp. 149–150) and classified it as authentic, and al-Dhahabī agreed with him. Abū Umāma was with ʿAlī in the Battle of Siffin and later settled in the Levant.

6 cf. (3).

7 Narrated in the hadith of Abu Umāma, cf. (4). In the narration of al-Hākim in *al-Mustadrak* it is "the dogs of Hell."

8 Narrated by ʿAbdullāh b. ʿAmr. According to this narration ʿUmar b. al-Khaṭṭāb asked, "O Messenger of God (PBUH), shall we not kill him?" The Prophet said, "No, leave him alone. He shall have a following who seek the extremities of the religion, so much so that they will abandon religion, just as the arrow leaves the prey. Its arrowhead is inspected and nothing is found, then the arrow shaft and nothing is found, then its notch and nothing is found. It has left the dung and blood behind." Recorded by Imam Ahmad in *al-Musnad* (vol. 2 p. 219). This was also documented by al-Haythamī in *Majmaʿ al-Zawāʾid* (vol. 6 pp. 227–228) who said that Aḥmad and al-Ṭabarānī recorded it in brief and that Aḥmad's narrators are trustworthy. It is narrated in the hadith of Abū Saʿīd al-Khudrī, "They seek the extremities of the religion" recorded in *al-Musnad* (vol. 3 p. 33), and in the hadith of Anas b. Mālik recorded in *al-Musnad* (vol. 3 p. 159). This description is blameworthy, due to the reprehensibility that has been narrated [elsewhere] regarding seeking extremities in the religion.

9 Al-Bukhāri, *Ṣaḥīḥ* (vol. 9 p. 97), under the chapter "Clinging to the Quran and the Prophetic Tradition."

[10] ʻUbaydullāh b. Abī Rāfiʿ, son of the freed servant of the Messenger of God (PBUH), narrated that when the Ḥarūriyya [another name for the *Khawārij*] revolted against ʿAlī b. Abī Ṭālib, they would chant, "No one rules except God" as their slogan. ʿAlī then said, "These words are truthful [being from the Quran], but [in this case] evil is intended by them. The Messenger of God (PBUH) described to us a certain people [i.e., the *Khawārij*] and truly I see their traits in these. Their tongues utter truthful words, but such words do not pass beyond this"—and he pointed to his throat [he probably meant: those words do not reach their hearts]. "Among the creatures", he continued, "they are amongst the most hated by God…" This was recorded by Muslim in the section "*Zakāt*," under the chapter "Insistence on Killing the *Khawārij*" (vol. 3 p. 116). See *Jāmi' al-Uṣūl* by Ibn al-Athīr (vol. 10 pp. 79-80).

[11] Ibn Mājah, *Sunan* (vol. 1 p. 62)

[12] See *Majmaʿ al-Zāwaʾid* (vol. 6 p. 339). Attributed to Imam Aḥmad, al-Bazzār and al-Ṭabarānī.

[13] Narrated by ʿAlī, "I heard the Messenger of God (PBUH) saying, "A group shall emerge from my nation. You wouldn't dare compare your prayer to theirs, your fast to theirs, or your recitation to theirs [so much their action will *appear* beautiful to your eyes]. They will recite the Quran thinking that it will be a proof for them [on the Day of Judgment] but in reality it is against them. In reality the recitation of the Quran will not pass beyond their throats." Recorded by Imam Aḥmad in *al-Musnad* (vol. 1 p. 92) and Abū Dāwūd.

[14] Recorded by al-Bukhārī in the section "Virtues of the Quran" under the chapter "Signs of Prophethood in Islam" (vol. 4 p. 201) and Imam Aḥmad in *al-Musnad* (vol. 1 pp. 81, 92, 113, 131) on the authority of ʿAlī.

[15] Recorded by al-Bukhārī in the section "Virtues of the Quran," under the chapter "Ostentatious Recitation of the Quran" (vol. 6 p. 197), and in the section "Asking Apostates and Rebels to Repent and Fighting Them," in the chapter "Killing the *Khawārij* and Heretics after Expounding to Them the Proofs That Refute Their Doctrines" (vol. 9 p. 16). Also recorded by Muslim in the section "*Zakāt*," in the chapter "Recounting the *Khawārij* and Their Qualities" (vol. 3 p. 114), and Abū Dāwūd (§4767), al-Nasāʾī (vol. 7 p. 119), and others.

[16] *Majmaʿ al-Zawāʾid* (vol. 6 p 349). Al-Haythamī said, "Narrated by al-Ṭabarānī, and the narrators of his chain are trustworthy."

[17] ʿAbdullāh b. ʿUmar narrated that he heard the Messenger of God (PBUH) saying "There shall emerge a people from my nation, with wicked actions, reciting the Quran though it does not pass beyond their throats." Yazīd said, "I am sure that he said, 'Any one of you would belittle his actions compared to theirs. *They shall kill the people of Islam*, so when they emerge, kill them. Then, when they emerge (again), kill them. Then, when they emerge (yet again), kill them. Glad tidings to whoever kills them and glad tidings to whoever is killed by them. Whenever a generation of theirs emerges, God Almighty destroys it.' The Messenger of God (PBUH) repeated this twenty or more times while I listened." Recorded by Ibn Mājah in the introduction to *al-Sunan*, under the chapter "Recounting the *Khawārij*" (vol. 1 p. 61 §174) and by Imam Aḥmad in *al-Musnad* (vol. 2 p. 84).

ʿAbdullāh b. ʿAmr narrated, “I heard the Messenger of God (PBUH) say ‘There will be a group of people amongst you who will read the Quran, but it does not pass beyond their throats. Whenever a generation of theirs emerges it is destroyed.’ He repeated this sentence over twenty or more times (meaning there will be over twenty generations emerging at different times) and then said, ‘until the last of them emerges with the Anti-Christ.’” Recorded by Imam Aḥmad in *al-Musnad* (vol. 2 pp. 199, 209).

18 Al-Shahrastānī, *al-Milal wa al-Niḥal* (vol. 1 p. 114).

CHAPTER II

Barbarism and Atrocities

As widely reported by the international media, ISIS-affiliated militants have been perpetrating, and continue to perpetrate, countless dreadful crimes. These crimes include atrocities inflicted on men and women, young and old, fighters and civilians, Muslims and non-Muslims alike.[1] It seems that there is hardly any crime that ISIS has not committed.

Their misdeeds can be summed up in the following categories:

INDISCRIMINATE KILLINGS AND BRUTALITIES

1. ISIS routinely executes innocent Iraqi and Syrian Muslims based on unsubstantiated evidence, inconsistent claims, fabricated accusations, and summary prosecutions held in kangaroo courts. The blood of thousands of innocent people stains the hands of ISIS members. The innocent victims they kill by means of suicide bombings include random pedestrians in markets and devotees in mosques. ISIS militants proudly claim responsibility for the attacks they carry out, so there is no uncertainty in terms of attribution.

These criminals purport to fight for Islam and yet they have slaughtered myriads of innocent Muslims, including women and children, in numerous Islamic countries. Based on this consideration, it does not take much reasoning to conclude that ISIS is acting *against* Islam, despite its claims to the contrary.

The random killing sprees, which are very much like bloodthirsty poaching expeditions—with human prey instead of game—are not the only form of brutality in which ISIS militants indulge. In fact, after taking control of an area they are known to exact revenge against its *civilian*

population, targeting especially the children of Syrian and Iraqi families. The Shaitāt tribe massacre in the Deir ez-Zor province provides one of the most salient examples of this: in August 2014, over 700 members of this tribe were slaughtered by ISIS simply for having resisted the takeover of their land.[2]

2. ISIS also kills Christians, as they did in Iraq, Syria, and Libya. God says in the Holy Quran ﴿*Whoever kills a person unjustly, it is as though he has killed all mankind. And whoever saves a life, it is as though he had saved all mankind.*﴾ (5:32)

Being citizens of those countries, Christians should enjoy the same rights as the Muslims, based on covenants and social contracts that are legally established in those societies. Not even a member of a legitimate government is entitled to overrule those laws, let alone a gang of rebellious militants. Since the Christians and, indeed, the Muslims themselves are treated with no mercy, one could hardly expect any better treatment for other religious groups. Sure enough, we find that the Druze, the Ismailis, the Nusayris, the Alawis and the Yezidis are equally abused or killed without mercy by ISIS, despite the fact that their legal status in Islamic law should be equated to that of the People of the Book. Accordingly, they cannot be killed or forced to convert to Islam.

3. ISIS kills foreigners in Muslim lands, under various pretexts, despite the fact that their safety is guaranteed by both Islamic law and International Law. According to the Shariah, anyone who legally enters a Muslim land is automatically under the protection of Muslims, so it is prohibited that he or she be killed or harmed. Undeterred by these prohibitions, ISIS kills any foreigner they find, for no sin other than their nationality. Do they not consider that most countries—like America, France, and Britain—have welcomed millions of Muslims, who still live there in security and peace? Those Muslims enjoy the same rights as the native citizens of those countries, including the right to freely practice Islam.

ISIS does not even take into account that the foreigners present in Syria are either aid workers or journalists working to report the suffering of the Syrian people to the world. They are there to *help* the Syrian people.

Instead of being thanked, these benefactors are punished with death, courtesy of ISIS. They had come expecting to be under the protection of local Syrians but were deceived by ISIS fighters. This is one of the ugliest forms of deception, as I shall explain.[3] Examples of this treachery include the ruthless beheading of the American journalist James Foley[4] and the killing of the American aid-worker Abdur Rahman Peter Kassig.[5] The latter was the victim of an egregiously heinous crime. After seeing the crimes committed against innocent people, Kassig decided to come to Syria to train people in first aid. Yet ISIS kidnapped him and, although he embraced Islam (as confirmed by him and his family), he was ruthlessly murdered in front of an audience.[6]

ISIS also kills non-Muslims in Western countries such as Britain, France, and America. They carry out terrorist attacks against innocent civilians and then proudly claim responsibility for their feats. According to Islamic law these attacks are totally forbidden and do *not* constitute a legitimate form of war or jihad. They are crimes, pure and simple, with no justification whatsoever. A Muslim who kills an enemy outside of a war context will never smell the fragrance of Heaven, as we shall see later. Furthermore, a Muslim living in the West has the duty to respect the laws of the land where he lives and even to defend that land if needed. Causing harm and wreaking havoc are not only prohibited by the laws of the land, by which every Muslim should abide, but also constitute an outrageous act of treachery towards the host country. We shall examine these issues in more detail in chapter 10, where we talk about the duties of Muslims in non-Muslim countries.

4. ISIS killed hundreds of Muslim prisoners from the Syrian and Iraqi armies. Speaking of the unbelievers God Almighty says ﴿*Thereafter (is the time for) either amnesty or ransom: until the war lays down its burdens.*﴾ (47:4) So, it clearly states that prisoners of war should be released, either gratuitously or for a ransom, which could either be in the form of money or as an exchange with another prisoner.

The options of killing prisoners of war or taking them as slaves are inferred from several practices of the Prophet Muhammad (PBUH) and adopted by the major schools of law in Sunni Islam. However, what ISIS gangsters missed here is that the options of killing or enslaving prisoners of

war do not apply in our modern time since 1949. Killing or enslaving prisoners of war is not allowed now in Islam; it has been suspended by mutual agreement with the rest of the world. Muslims are no longer allowed to kill or enslave prisoners of war, and have only the options mentioned in the Quran which are releasing them either for free or for an exchange. “The Convention relative to the Treatment of Prisoners of War,” issued in Geneva, 12 August 1949, bans in its 143 articles the killing of prisoners of war and mistreating them. It has been signed by 196 countries, including Muslim countries. Therefore, it is binding upon Muslims to respect them, especially considering that the convention is in Muslims’ interests. Abiding by these treaties is a religious obligation for Muslims, so violating them is a sin.

Furthermore, Muslim scholars have always differed regarding the permissibility of killing prisoners of war. Many scholars, [7] such as al-Ḥasan al-Baṣrī, al-Suddī, al-Ḍaḥḥāk, and ʿAṭāʾ,[8] declared it impermissible (*ḥarām*). As for Muslim prisoners, there is absolutely no justification for killing them.

5. ISIS committed the crime of burning human beings alive,[9] as they did to the Jordanian pilot Muʿādh al-Kasābeh.[10] In Islam it is categorically prohibited to burn a human being, even after death—the Shariah is very clear on this. ISIS attempted to justify their grisly misdeed by arguing that since bombing (an action performed by pilots) is analogous to burning, the principle of retributive justice warrants that a captured enemy pilot should be burned. This reasoning is demonstrably fallacious and leads to a wrong conclusion.

At this point some important considerations regarding the Islamic penal procedure need to be made here. First and foremost, in matters of life and death, jurists are required to proceed with extreme caution.

Secondly, they should follow three guidelines which are governing rules in Islamic Law, all stated by the Prophet Muhammad (PBUH):

1. The application of a *hadd* (mandatory penal punishment) should be suspended in the presence of a doubt, however slight.

2. To err in pardoning is better than to err in punishing.

3. The jurist must exert himself to the utmost to avert capital punishment from Muslims wherever possible.[11]

Thirdly, retributive justice is restricted to what is permitted by the Shariah.

The prohibition of burning with fire is well known and firmly established in the Shariah. It is based on rigorously authenticated narrations in which the Messenger of God (PBUH) forbade torturing with fire. This blanket prohibition abrogates all prior Prophetic instructions on the topic. The permissibility of burning someone was thus invalidated by the Prophet (PBUH) himself, once and for all. It is reported in *Ṣaḥīḥ al-Bukhārī*, on the authority of Abū Hurayra, that the Prophet (PBUH) said that no one except God is allowed to use fire to punish.[12]

The wisdom behind issuing an order and then countermanding it is to draw attention to the conclusiveness of the latter order. Such an occasion also provides the cue for explaining the reason of the countermand. In the case we are discussing, the Prophet (PBUH) meant to highlight that *under no circumstances* would burning people alive be permitted.

In another rigorously authenticated (*ṣaḥīḥ*) hadith, which was collected by Abū Dāwūd, Ibn Masʿūd reported that the Prophet (PBUH) saw a burned colony of ants and inquired as to who had done it. When some of the Companions admitted to it he rebuked them by saying, "No one has the right to punish with fire, except the Lord of the fire!"[13]

ISIS uses the story of ʿAlī as a proof, as it is narrated that he burned someone. However, the story does not provide any proof to the permissibility of burning people for the following reasons. First, Ibn ʿAbbās, cousin of ʿAlī, opposed him and declared that it was wrong. Second, Imam al-Bukhārī narrated this story to caution the reader that it is not valid, as he narrated the counter-proofs. His job was to compile every text related to the subject, and the job of the doctors of law was to establish what is valid and what is not. Third, ʿAlī himself agreed with his cousin Ibn ʿAbbās that this is forbidden, as narrated by al-Tirmidhī. [14]

To conclude this point about the prohibition of burning someone alive, we cite a general principle of the Islamic Shariah: injustice must be prevented, so any and all unjust actions are prohibited. This principle overrules any other consideration which would otherwise allow a given

action. Let us now apply this principle to the interpretation of God Almighty's commandment ﴿*If you punish, then punish with the like of that wherewith you were afflicted.*﴾ (16:126) At first, the scope of this command's applicability may seem unlimited, but it is not. That is because the believers are not allowed to exceed the bounds of what is necessary when redressing transgressions.[15] While Muslims are generally allowed to apply retributive justice by fighting back, they are not allowed to employ prohibited means, such as burning, raping, or torturing. Even in the battlefield one is only allowed to employ the means that are permitted by the Shariah.

6. ISIS inhumanely mistreats prisoners, some of whom are harmless civilians who were treacherously kidnapped. ISIS also resorts to public humiliation, which is a form of modern-day pillorying. Even worse, they also torture their captives, sometimes to death.[16] The relish they show in inflicting mental and physical cruelties on defenseless people, as evidenced in the videos ISIS produces and publishes, is yet another clear sign of their moral degeneracy.

Torture is impermissible in Islam. In a rigorously authenticated narration, the Prophet (PBUH) said "On the Day of Judgment, God will punish those who tortured people in this life."[17] The prohibition is generic and does not differentiate between torturing Muslims and non-Muslims. In fact, the Holy Quran devoted a chapter to commemorate the early Christians in Yemen, before Islam, who were then oppressed, tortured, and even burned alive. This is Chapter 85 verses 4–10.

The Holy Quran reports God Almighty's condemnation of the people of ʿĀd (a pre-Islamic nation), who were oppressive tyrants. This condemnation is voiced through the mouth of a Prophet, who said ﴿*And when you exerted your strong hand, you abused your power.*﴾ (26:130) A tyrant is someone who exerts his authority unjustly, harming and killing wrongfully. Al-Qurṭubī commented, "This verse was revealed to inform us about the nations that preceded us. God Almighty warns us not to make the same mistake of those people, whose deeds He explicitly condemned."[18]

The Prophet (PBUH) commanded us to be considerate and ethical even in killing, when this action becomes necessary and is legally

warranted; inflicting pain should be avoided if at all possible. He (PBUH) said, “Truly God commanded perfection in doing everything; so if you kill, kill in the right way; if you slaughter, slaughter in the right way. Sharpen your blade to make it less painful for the animal.”[19] The word “slaughter” is used in reference to animals, because torturing an animal while slaughtering it is impermissible. The scholars even said that to slaughter an animal in front of another animal is an objectionable act (*makrūh*). Ibn Qudāma al-Ḥanbalī said, “It is an objectionable act to slaughter a sheep while another is watching.”[20] There is no doubt that the sin committed by those who torture humans is far more serious than in the case of animals.

To terrorize people, ISIS first makes repeated threats, including death threats—a fact that, by itself, is tantamount to psychological torture. Then they go into action to prove that the threats were not hollow: they inflict torture to cause death by means of knives, blades, cleavers, explosives, etc. They randomly fire gunshots upon groups of prisoners, drown prisoners and use poisonous gases to destroy villages. All this is impermissible in Islam.

The meaning of the Islamic principle “if you kill, do it in the right way” is that if a man finds himself in a situation where he must kill someone, he should choose the most merciful manner of doing it. Naturally, this is only permissible if there is a just cause to it, such as in war, or in executing capital punishment in legal courts. According to the Shariah, one cannot act ruthlessly and savagely even when killing criminals or enemies, let alone innocent and helpless people! Yet ISIS thinks and acts in the opposite way, which is barbaric and ignoble: they do not limit themselves to killing, but also mutilate the victims’ bodies and decapitate them. Not content with that, they film it all and publicly disseminate the videos containing all the gory, graphic details.

Ibn Rajab al-Ḥanbalī said: “When killing an animal or a human being, provided that this act is legally permissible, one should proceed quickly and in the gentlest way. No unnecessary pain should be inflicted, to avoid causing excessive suffering.”[21]

These guidelines reflect the values of the Islamic ethical system which exhorts Muslims to act in a merciful and humane manner towards all creatures, even in cases where killing becomes necessary. These are the noble ethics of the Prophet of Islam, who said, “If you kill someone, kill in the right way. Likewise, if you slaughter an animal, slaughter in the right way.” By this he meant that the act of killing should be performed swiftly

and in the gentlest way. The medieval Andalusian jurist, Ibn Ḥazm, related that all Muslims scholars agreed that it is obligatory to slaughter in a proper manner."

The Prophet (PBUH) said, "The people of faith (i.e., the believers) are the ones who, more than anyone else, pay attention to the proprieties of killing."[22] This hadith clearly praises the decency of the believers even in situations where they must kill. Muslims are reminded to adhere to the proper etiquettes, remain within lawful bounds, and refrain from harming, torturing, or mutilating anyone, be it even a criminal. Naturally, all references to killing here presuppose that there is a genuine legal necessity for that.

7. In addition to random killings, ISIS also resorts to targeted assassinations. Several scholars, imams, and Friday preachers in Syria and Iraq have been killed by assassins. To get rid of an ideological opponent, ISIS' leaders simply denounce him as an apostate, knowing that, there being no shortage of bloodthirsty zealots in their ranks, some of their followers will dutifully follow up with an assassination. As with all totalitarian regimes, ISIS uses brutal repression to stifle political and ideological dissent, sparing no one. Rival religious authorities are the main targets of this repression.

From the distorted perspective of ISIS' leaders, all Muslims who adhere to the traditional Sunni doctrine are heretics. That is why ISIS condemns and fights the classical Sunni schools of theology, namely Ashʿarism, Maturidism, and traditional Hanbalism (as distinguished from modern-day counterfeit Hanbalism).

ISIS does not differentiate much between its opponents: it fights all of them regardless of their religious affiliation, whether they are Sufis, Salafis, or any other group. However, they particularly persecute the followers of Sufism (Islamic spirituality), who strictly adhere to the four traditional Sunni schools of law. In fact, they consider them to be outside the pale of Islam. [23]

ISIS mutilates the human corpses, thus profaning their sanctity.[24] Such barbaric acts are impermissible in Islam, even against one's sworn enemies. In Islam war is subject to rules, regulations, and ethics. Yet ISIS

systematically ignores all such precepts. They are so blinded by hatred and anger that they act cruelly and savagely, even against Muslims.

The Prophet (PBUH) said, “Breaking the bones of a deceased person is like breaking the bones of a living person.”[25] Gender here is irrelevant, so this ruling applies equally to dead men and women, who will both feel the pain. The sanctity of a dead human body is akin to the sanctity of a living human.

It is firmly established that the Prophet (PBUH) prohibited mutilation. Burayda narrated that when giving instructions to his soldiers, the Prophet (PBUH) said, “When you march forth into battle, invoke the name of God. Do not chain, deceive, or mutilate anybody, and do not kill children.”[26]

All of these prohibitions are intended to safeguard human dignity, whose sanctity is enshrined in Islamic ethics. So little does ISIS care about Islamic ethics that they do exactly the opposite: they revel in the most barbaric and gruesome forms of sacrilege against human beings, such as playing with the heads of the deceased. They also deliberately delay the burial of their enemies’ dead bodies, leaving them lying in the streets or hanging from poles in public places, with the intent of degrading them. All of this is prohibited in Islam, just as it is repugnant to the natural sense of morality of any decent human being.

8. ISIS terrorizes innocent people. People are arrested and taken away without even being informed of the crime they have supposedly committed —a truly Kafkaesque situation. The Prophet (PBUH) prohibited so much as to scare people. He said, “If someone throws a scary look at his brother without a valid reason, God will frighten him on the Day of Judgment.”[27]

Many fear-stricken inhabitants of the ISIS-occupied territories have been forced to flee their homes. Ironically, their regions had just been liberated from the decades-long brutalities of the Assad regime. Then, all of a sudden, they found themselves facing another ordeal as they realized that with the coming of ISIS their fate had turned from bad to worse. Although they were content with the destiny that God had decreed for them, their situation soon became unbearable, so many of them fled to Europe. Myriads of Syrians and Iraqis would never have migrated abroad were it not for ISIS.

What is most intolerable about living under ISIS is that there is no security, as most people feel vulnerable to harm. Their biggest fear is represented by the new rulers themselves: ISIS' leaders betray the inhabitants, justifying their abuses with untenable interpretations of Islamic law. No one is safe from ISIS.

Life in those territories has become a terrible ordeal. Families know that their children (as young as thirteen) can be forcefully taken away from them to undergo military training under the pretext of "jihad." They fear that their children may be kidnapped at any time. If a child's father attempts to resist, he can be accused of "apostasy" and killed.

WRONG IMPLEMENTATION OF ISLAMIC PENALTIES (HUDUD)

In order to gain credibility and legitimacy in the eyes of Muslims, ISIS needs to prove that they rule by Islamic Law. They claim that they implement the Shariah, but then when we look at their practices we find that they are extreme and in contradiction with Islamic Law.

Undeterred by any such contradictions, ISIS only cares about marketing its ideology of terror and selling its products. To achieve these objectives, they do not hesitate to twist Islamic Law to their advantage and use it as a publicity stunt. They broadcast barbaric images of themselves while engaging in savage actions, claiming that they are upholding the Islamic Law. Sinister and sick as it may be, this propaganda has proven quite effective in recruiting many young Muslims.

Islam is a treasure trove of moral and practical teachings which cover every aspect of human life. A Muslim comes to realize his Islam in the fullest and most profound sense only when he or she establishes a spiritual communion with the Divine. Islamic spirituality provides various means to achieve this end, such as the remembrance of God. The most spiritually elevated state that a believer can achieve in this world is called *Ihsān*; it was described by the Prophet (PBUH) as "worshipping God as though you see Him, with the awareness that although you cannot see Him, He does see you." The spiritual path in Islam is based upon devotion, piety, self-restraint, and the highest standard of morals. Thus, to fully understand the raison d'être for ISIS' savagery, one needs go no further than a simple

consideration: their religious discourse *totally* neglects the spiritual side of Islam. Instead, they prefer to focus on two religious areas: one is theological, the other judicial.

As for their theological endeavors, they are distorted, confused, and extreme as is the rest of their religious practice. For instance, they came up with a new definition of a Muslim: in order to be a Muslim one must either migrate to ISIS-occupied territories or, alternatively, stay in other countries and launch terrorist attacks against those governments, inflicting as much damage as possible. As a result of this newfangled and absurd requirement, the only Muslims left on the face of the Earth would be ISIS and their supporters—all others are not considered Muslims and can be killed. Now, did we need a group of ignorant fanatics, after 14 centuries of Islam, to come and tell us what a Muslim is? (ISIS' distortion of Islamic theology will be covered in more detail in chapter four.)

The second religious area on which ISIS focuses its efforts pertains to Islamic penalties, known as *ḥudūd*. ISIS considers their implementation as the greatest achievement of their so-called state.

The Islamic credentials of a state have never been determined by how many thieves have had their hands amputated or by how many adulterers have been stoned. In fact, such penalties were hardly ever implemented when Muslims were in power, from the Umayyads to the Ottomans. Islamic law in the hands of ISIS has become no more than a means to sell their merchandise in the market of extremism.

The so-called judges appointed by ISIS to apply Islamic law are not only fanatics, but also ignorant. They have neither legal experience nor any proper knowledge of jurisprudence. Yet they find themselves in a position of authority where they can pass judgments in matters of life and death, supposedly in the name of Islam. This is one of the greatest disasters brought about by this group, since they are inducing the people to hate the Shariah. Islamic law is full of mercy, justice, and wisdom, but those fanatics have turned it into a scourge.

Islamic penalties (*ḥudūd*)[28] cannot be applied at a time like ours. Obstinate insistence on applying them is a result and an expression of ignorance, excessiveness, injustice, foolishness, puerility, and fanaticism—all of which could not be farther from the spirit of Islam.

Many Muslim youth have been deceived into believing that the self-proclaimed Islamic State will bring peace, love, and mercy. They hoped that

its establishment would bring out the beauty of Islam and show it to the world, and so they joined ISIS. But then things took a sinister and grim turn. What they saw, instead, were innocent people decapitated with axes, thrown from rooftops, drowned, burned, strangled, killed by rockets or blown up with explosives. Upon hearing that the Shariah, the Law of God, was to be implemented, people had expected to see the wisdom of scholars, the piety of jurists, the carefulness of judges, and the compassion of preachers. Instead, ISIS presented fanaticism, hatred, anger, vengeance, and ignorance.

When ʿUmar b. al-Khaṭṭāb suspended the Islamic *ḥadd* penalty prescribed for theft during a year of famine, was he neglecting the Shariah? Of course not. Likewise, when Saʿd b. Abī Waqqās suspended the Islamic *ḥadd* penalty from Abū Miḥjan al-Thaqafī, was he acting according to his whims and desires? God forbid! They were purely acting in accordance with the Holy Quran and the Prophetic Tradition. The Shariah is not simply a collection of texts but also an organic body of wisdom based on legal maxims, principles of law, and objectives of the Shariah. Its application must be based on the understanding of the spirit of Islam applied to the current circumstances. Jurists have always given precedence to the consideration of general rules and objectives over the literal application of textual prescriptions, as demonstrated by innumerable examples.

I authored in Arabic a book entitled *The Necessary Conditions for the Implementation of Islamic Penalties*, in which I elaborated on the legal impediments (*mawāniʿ*) to the application of the Islamic *ḥadd* penalties. I detailed the opinions of the great jurists and the words of the scholars, duly supporting them by evidence from the Prophetic Tradition, the principles of law, and legal maxims. Additionally, I identified the specific situations and conditions that warrant the suspension of the Islamic *ḥadd* penalties prescribed in the traditional texts.[29]

The application of the Islamic *ḥadd* penalties is to be suspended in the following six situations:

1. In non-Islamic lands.

2. When traveling for military expeditions.

3. When the knowledge of their rulings has become obscure and uncommon.

4. As required by the maxim that "Preventing harms takes precedence over acquiring benefits." If the application of the Islamic penalties causes major harms, for instance by inducing someone to leave Islam, then it is to be suspended.

5. Presence of doubts surrounding the circumstances of the crime.

6. During the absence of a proper authority, as represented by a legitimate sultan.

The biggest problem with the way ISIS applies the Islamic *ḥadd* penalties is that they appoint to this role ignorant judges who pass judgments resulting in arbitrary incarcerations, expropriations, and executions, all supposedly in the name of Islam. The aim of these judges is not to implement God's law or establish justice, but to quench their thirst for revenge. This is in total contradiction to the objectives of Shariah and the role of a judge.

It is wrong for a neophyte or an amateur student of knowledge who has read only a few books or articles on his own to assume the weighty responsibility of passing legal judgments, let alone for a complete ignoramus to assume a position of authority and pass judgments that lead to execution or whipping. Even pursuing a doctorate in Shariah does not make one a judge, just as reading a book of jurisprudence does not make one a jurist.

As noted by several scholars, applying in a court of law some theoretical legal knowledge requires a particular expertise—it is a specialized skill not possessed by every jurist. In order to properly implement legal rulings, a judge must follow a methodology that takes into account the actual events, their context, and the precedents. This methodology is a practical expertise that is not acquired through books, but by accompanying judges or muftis and studying the nuances of giving legal verdicts. In his commentary on *Tuḥfat al-Ḥukkām*, al-Tusūlī writes:

> The science of formulating legal judgments may be a branch of jurisprudence, but it differs from it in matters that not every jurist

> masters. One may be well versed in resolving disputes but have no expertise in other fields, like the law of inheritance and so on. It is not difficult to distinguish the science of legal judgment from other branches of jurisprudence, but the difficulty lies in applying the general principles of jurisprudence to the minutiae of actual cases. That is difficult. You may find a man who has acquired much knowledge and already teaches others, but when questioned by the public about an incident relating to oaths or something similar, he is not able to provide an answer.[30]

LOOTINGS AND MASS EXPULSIONS

ISIS engages in organized criminal practices that significantly aggravate the ongoing humanitarian crisis in Syria and Iraq: they expel locals from their towns and villages[31], both Muslims and non-Muslims, and illegally seize their properties. Those who have been expelled from their homes are banned from returning to their villages, so they are forced to migrate. These mass expropriations and expulsions are supported by accusations of "apostasy and assisting the unbelievers," by which they mean the Free Syrian Army. In his most famous public sermon, delivered before thousands of Companions, the Prophet (PBUH) declared, "Indeed your blood and your wealth are as sacred as this day [i.e., the sacred day of Arafat] and this site [i.e., the sacred plain of Arafat]."[32]

The practice of looting was very widespread in pre-Islamic times, but it was banned by the Prophet (PBUH). Imam al-Bukhārī recorded, on the authority of ʻAbdullāh b. Yazīd, that "The Prophet (PBUH) prohibited looting and mutilation."[33] By looting we mean plundering people's possessions in abandoned houses, which is what ISIS has done in several towns and villages.

DESTRUCTION OF HISTORICAL SITES

ISIS not only frightens and kills people, but also destroys the historical monuments of the region. They target both the Islamic history and the pre-Islamic monuments and sites, which all Muslims dynasties preserved. As if

there was no tomorrow, ISIS has started destroying mosques, pillaging graves, desecrating holy sites and dishonoring the sanctity of what God has declared sacred, not least the sanctity of human beings. ISIS has been responsible for razing many mosques and shrines, most notably those of Prophet Jonah[34] (PBUH) and Prophet Daniel[35] (PBUH) in Mosul, Iraq. ISIS alleged that these sites are objects of worship, alongside God or instead of Him, so they destroyed them. Their allegations are absolutely ridiculous. These shrines were honored from the very earliest times of Islam, starting with the Prophet's Companions. That is why Muslims throughout the centuries preserved them. Now these fanatics come along, declare those sites idolatrous, and destroy them. This is like saying that all the previous generations of Muslims had been preserving and cherishing some idolatrous objects of worship!

Let us take the example of the Grand Umayyad Mosque in Damascus, which houses the shrine of John the Baptist (known in the Islamic tradition as Prophet Yaḥyā (PBUH)). When the Muslims conquered Damascus in 13 AH / 634 CE, they could have demolished John the Baptist's shrine, but they did not. After all, when ʿUmar b. al-Khaṭṭāb, the Muslim ruler who is revered in Islam as the second Rightly-Guided Caliph (successor to the Prophet), visited Palestine, he did not order any shrines to be destroyed. If indeed the shrines of the previous Prophets are idolatrous, as claimed by ISIS, why did ʿUmar not order their demolition?

The shrine of John the Baptist is still safe only because ISIS has not taken over Damascus. But they have been busy demolishing shrines and mosques all around. Among the several mosques they have destroyed is the Hamou Qadu mosque in Mosul, a historic structure dating back to the Ottoman period. Again, ISIS tries to justify its misdeeds by claiming that those sacred places contain idolatrous objects and heretical innovations. It should be noted that Muslims have never believed that erecting mausoleums for the Prophets and saints equates to apportioning divinity to them. This would be foolishness. The destruction of the houses of God is a heinous crime for which no justification can be found. The arguments presented by ISIS to support their actions are based on a faulty understanding of Islamic monotheism, which in turn is based on a faulty understanding of religion in general. God Almighty says in the Quran ﴿*And*

who is more unjust than those who prevent the mention of the name of God in His mosques and endeavor to destroy them?﴾ (2:114)

With all the mosques and Islamic shrines that ISIS has already demolished, it should come as no surprise that they also destroy churches and other places of worship. The Shariah obligates the political authorities to protect churches, synagogues, temples, and other places of worship under its dominion. God Almighty says ﴿*Had it not been that God checks one set of people by means of another, monasteries, churches, synagogues, and mosques wherein the name of God is oft-mentioned would surely have been demolished.*﴾ (22:40). There are countless examples in Islamic history of caliphs taking direct responsibility for the protection of the houses of worship belonging to other faiths. When the Caliph ʿUmar (d. 644 CE) entered Jerusalem in year 637 CE and the time for prayer had come, he refused to pray in a nearby church, despite being invited to do so by Patriarch Sophronius, for fear that the Muslims might interpret his action as a precedent to convert the church to a mosque. Compare this to the actions of ISIS, who have blown up several churches in Syria and Iraq, including the St. Markorkous Church in Mosul,[36] one of the oldest in the city.

As for destroying sites of historical and cultural significance, it is obvious that ISIS is bent on wiping out any cultural remnants in the region, notable examples being their demolition of important artefacts from the World Heritage Site in Palmyra (Syria)[37] and of the ancient Assyrian city of Nimrud (Iraq).[38] This goes against the teachings of Islam and the practice of the early Muslim generations that ISIS claims to follow. It is narrated that when the Prophet Muhammad (PBUH) was passing by the remnants of the kingdom of Thamūd, a great civilization that was established about 1000 BC in the Northern parts of Arabia and later destroyed, he did not order the destruction of their tombs and castles. Instead, he ordered his Companions to hasten and not to dwell in the area.

ENSLAVING THE YEZIDIS

After attacking the Yezidis, ISIS captured and enslaved their women and children, selling them in a market. In the process, they also killed many of them. Enslaving the Yazidis is one of the worst crimes committed by ISIS,

who, by doing so, breached a social contract long established between the Yezidis and the Muslims. This was a form of betrayal, not condoned by Islamic Law.

ISIS has confirmed that they carried out all of these actions. Indeed, they justified them by stating that the Yezidis are unbelievers. An ISIS report says, “Before conquering Sinjar some students of knowledge in the Islamic State were commissioned to do some research about the Yazidis… Their research concluded that this group was already present in pre-Islamic times; later on it was influenced by the Islamic civilization, so they ended up adopting some cultural elements of the Muslims who lived in their region, such as the language, with the consequence that they became somewhat akin to Muslims. However, they never accepted Islam or claimed to believe in it. It is evident that their religion has roots in Magism (Zoroastrianism) of the ancient Persia, but certainly Sabean, Jewish and Christian beliefs also influenced it. In the end, their religious creed was manifested through the innovated terminology of extreme Sufism (mysticism)” [translated from Arabic][39].

In their English-language publication, *Dabiq*, ISIS shamelessly boasts of enslaving the Yezidis. That is because they regard it as their right—while in fact it is a crime. Here is what they say:

> Accordingly, the Islamic State dealt with this group (i.e. the Yezidis) as the majority of fuqahāʾ (Islamic law scholars) have indicated how mushrikin (idolaters) should be dealt with. Unlike the Jews and Christians, there was no room for jizya payment. Also, their women could be enslaved unlike female apostates who [*sic*] the majority of the fuqaha’ say cannot be enslaved and can only be given an ultimatum to repent or face the sword. After capture, the Yazidi women and children were then divided according to the Shariah amongst the fighters of the Islamic State who participated in the Sinjar operations, after one fifth of the slaves were transferred to the Islamic State’s authority to be divided as khums (a fifth of the booty). This large-scale enslavement of mushrik (idolater) families is probably the first since the abandonment of this Shariah law…[40].

With this appalling statement ISIS has clarified beyond a shadow of a doubt that enslaving the Yezidis is part of their official policy.

Contemporary Sunni scholars are in agreement that in our age enslaving anyone is a great crime against humanity and a violation of Islamic Law. Moreover, when this crime is directed against our fellow citizens with whom we had a social contract, it is even more severe.

Let us now consider this issue from the point of view of the Shariah. The majority of Islamic jurists, namely the Ḥanafīs and the Mālikīs, opine that all polytheists should be assimilated to People of the Book and treated accordingly. This makes it impermissible to coerce them into converting to Islam. Instead, some tax *(jizya)* is to be levied on them and they must be granted full freedom to practice their religion, even if it has no Divine origin. The tax imposed on them is minimal compared to what Muslim citizens have to pay as compulsory alms; besides, non-Muslims citizens would be exempt from being called up for military service.

To prove that non-Christians and Jews are treated equally, we have a narration that the Prophet Muhammad (PBUH) accepted taxes from the Zoroastrians living in Hajar, in the Arabian peninsula.[41] Furthermore, Burayda narrated that whenever the Prophet (PBUH) sent forth an army he would impart the following instructions to them, "When you reach the polytheist enemies, present them with three options [i.e., accepting Islam, paying tax, or fighting] and let them decide. If they choose to fight, then keep fighting them until they pay the tax. When they do, accept it from them and leave them in peace."[42] Al-Baghawī said, "The apparent meaning of this narration makes it compulsory for Muslims to accept tax (*jizya)* from *every* polytheist, whether from amongst the People of the Book or not."[43] Ibn Qayyim al-Jawziyya said, "Tax is to be accepted from *every* unbeliever. This is clear from the Prophet's statement in the narration, which did not exclude any category of unbelievers or even specify one. Moreover, it cannot be claimed that his order was limited to the People of the Book, as its wording does not specify any such limitation."[44]

Islamic Caliphates in all previous eras considered the Yezidis equal to the People of the Book in terms of accepting their presence and granting them the right of citizenship within the Muslim state. This ruling was based on Abū Ḥanīfa's jurisprudence, which was adopted by the Ottoman Caliphate. Furthermore, the caliphates prior to the Ottomans had also been acting according to the school of Abū Ḥanīfa regarding all non-Islamic

sects. Although the sultans of the Ayyubid Dynasty were Shāfiʿī in jurisprudence, they chose to apply on the Yezidis and the other sects the ruling of the Ḥanafī school. This allowed non-Islamic minorities to survive and preserve their religious identity, which is how we still have Yezidis and Druze today. The Ḥanafī opinion is based on the words of God Almighty ﴿*Let there be no compulsion in religion; truth stands out clear from error*.﴾ (2:256)

Islamic Law grants all non-Muslim minorities security and safety within the Muslim states through contracts set between them and the Muslims. These contracts are binding for Muslims and everlasting, so that they cannot nullified by any authority, at any time. It cannot be denied that some Muslim rulers, in a few cases, did attempt to inflict injustice on the People of the Book, but it is also true that Muslim jurists opposed those rulers on the basis of the pre-existing contracts established between Muslims and non-Muslims, some of which date back to the second Rightly-Guided Caliph of Islam, ʿUmar. The jurists described those pacts, which grant protection and rights to both the People of the Book and the other non-Muslim minorities that have been assimilated to them, as "binding forever." Their perpetuity is one of the salient characteristics of the citizenship contracts in a Muslim state. ʿAlāʾ al-Dīn al-Kasānī said, "As for the 'forever binding' pact, it is the one known as the 'Pact of *Dhimma*' (citizenship for non-Muslims)."[45]

In modern times, enslaving non-Muslim prisoners of war is also impermissible. This prohibition has been unanimously agreed upon by Muslim jurists in the second half of the 20th century, though it was permissible in the previous ages. The impermissibility of slavery in Islam is now absolute, with no exceptions. It became unanimously established among Muslims when they adhered to international treaties banning slavery. The purpose of those treatises is to pursue the greater good for the whole of humanity, an objective that the Muslims have always been pursuing. By subscribing to those treaties, the Muslim rulers made them binding on all Muslims. Since Muslim countries joined those treaties by consensus, it is now impermissible for an individual, or even for a country, to breach them.

Moreover, adhering to those treaties is in the best interest of Muslims, as breaking them will result in dire consequences for them. The world has

not forgotten the millions of free African men and women who were captured and enslaved in Africa by the European powers during the colonial period which followed the discovery of New World, America. American society is still trying to rid itself of the ill consequences of slavery.

The 1926 Slavery Convention and the 1956 Supplementary Convention banned slavery altogether. Subscribing to these treaties, as the Muslim rulers did, was absolutely legitimate in Islamic law. Indeed, it was the right thing to do. For all the above reasons, the acts of enslaving anyone, whether Muslim or non-Muslim, or reinstating the slave trade are today prohibited for Muslims.

One point needs to be clarified, as it is the object of some controversy. The international conventions banning slavery and slave trade in no way contradict the Holy Quran, the Prophetic Tradition, or Islamic Law. The Shariah already envisaged the possibility of treaties between Muslim and non-Muslim rulers, by which two sides would refrain from enslaving their respective prisoners of war. Now that Muslims have signed those conventions they are bound by them. In fact, the Ottoman Caliphate, which ruled by Islamic law according to the school of Imam Abū Ḥanīfa, abolished slavery in Africa in 1847. Then, in 1882, it finally abolished slavery throughout its empire, by means of an edict (*firman)* issued by the Sultan.

It should be understood that eradicating slavery through such agreements does not abrogate the Islamic rules and regulations pertaining to slavery, as found in the sacred texts. Moreover, the sacred texts do not dictate that slavery should exist; in fact, they simply regulate slavery if and when slavery is present, to prevent its abuses.

Political arrangements between countries such as the abolition of slavery are meant to pursue the best interests for the whole of humanity. They are based upon noble principles such as justice and equity. Muslims should definitely applaud such ideals and support them by joining those treaties. In fact, Muslims can find precedents similar to those treaties in their own history, such as the “League of the Virtuous” (*ḥilf al-fuḍūl*)—a pre-Islamic pact formed by the main tribes of Mecca. The purpose of that pact was to prevent injustice and oppression, to take retribution against criminals, and to aid the weak and oppressed. Due to his innate sense of justice, the Prophet (PBUH) joined this pact even before being assigned the mission to spread his prophetic message. After the advent of Islam, the

Prophet Muhammad (PBUH) said "If today I were invited to a similar pact, I would immediately agree."[46] It should be noted that in this pact the Prophet of Islam joined the pagans and the polytheists of Mecca without hesitation.

Hypothetically, if other nations were to breach their treaties and begin enslaving Muslims or non-Muslim citizens living in Muslim countries, then a legitimate Muslim government could reconsider the situation and decide what do in the best interest of its citizens. However, as long as non-Muslims do not violate anti-slavery treaties it is not permissible for Muslims to breach them; so Muslims are not allowed to enslave any prisoners of war. The discussion so far has focused on the case of combatants. As for non-combatants, it is categorically impermissible to enslave them, whether they are Muslims, non-Muslim citizens, non-Muslim visitors, or non-Muslims living under the protection of Muslims.

Therefore, the enslaving of Yezidi men, women, and children by ISIS[47] is totally forbidden. It is a tragedy and an egregious violation of human rights recognized at the global level, as well as being a violation of international treaties. Muslims must be the first to condemn this, as they are religiously obligated to denounce what is evil. But above all, Muslims are obligated by God to stand by their contracts. God Almighty says in the Quran ﴿*O you who believe, fulfill all contracts*.﴾ (5:1)

Regardless of the differences of opinion surrounding the religious classification of the Yezidis (whether they are People of the Book or not), to which we hinted earlier, from the Shariah's viewpoint the final judgment in their case is unequivocally in their favor: they cannot be enslaved, as there is no justification for enslaving them in Islamic law. In addition to the fact that slavery has long been abolished by international treaties, it should also be considered that the Yezidis are not even at war with the Muslims in Iraq and Syria, and, as stated earlier, non-combatants cannot be enslaved.

Enslavement of free men and women, as in this case of the Yezidis, does not make them legitimate slaves from the Shariah's point of view. Therefore, sexual intercourse with enslaved Yezidi women is Islamically prohibited. What's even worse, it constitutes rape (*zinā bi al-jabr*), which is an even more serious sin. These rapes should be added to the long list of crimes against humanity committed by ISIS.[48]

CHILD ABUSE

Some of the worst crimes perpetrated by ISIS target defenseless children who have been snatched away from their families. Under various pretexts, ISIS kidnaps, abuses, and even tortures children. Ostensibly, ISIS takes children away for "jihad" training and fighting. Not only do those children receive military training, but they are also forced to commit murder. In some cases[49], wayward children are punished with death simply because they did not comply with the orders given to them. They are accused of committing heresy and executed, as in the case of a boy named Muhammad Al-Qaṭṭaʿ from Aleppo, who was shot in front of his parents because he allegedly committed blasphemy; or as in the case of the 14 year-old ʿUmar, who in the summer of 2015 was tortured by ISIS for one and a half months. They amputated his hand and his leg with a butcher's knife. The reason was that, after capturing his town, ISIS tried to recruit him and he balked, so they arrested and tortured him. In late 2015 ʿUmar escaped to Turkey and told his story.[50] His punishment was meant to deter other children from putting up resistance.

According to the Shariah, no Muslim is allowed to go on a military expedition (whether war or jihad) if both of his parents or one of them is in need of him. This principle applies to both adults and, all the more, children.

It has been observed that the recruitment of children increased dramatically after the incoming flood of foreign fighters declined. As in other cases, here too we see that the actions undertaken by ISIS are not prompted by genuine Shariah-inspired motivations, but by purely strategic considerations: at that point they simply needed fighters to make up for the large losses they suffered in the battle they fought against the Kurds at Ain al-Arab. This is another example of how they manipulate Islam, attempting to twist religious rulings to fit their agenda and satisfy their sick minds.

Syrians and Iraqis who live in ISIS-occupied territories are afraid that their spouses and children may be kidnapped at any time. They also know that their wealth could be usurped. Even worse, they know they could be arrested and killed under a false accusation of apostasy. According to the Prophet Muhammad (PBUH), Heaven has several gates. One of them is devoted to those who pardon; another one, which is called "Joy," is for those who bring joy to children (see al-ʿAynī, *ʿUmdat al-Qārī*, commentary on *Ṣaḥīḥ al-Bukhārī*, section on fasting, subsection "*al-ṣawm kaffāra*").

ISIS has committed all of the above-mentioned atrocities and many more that we have not mentioned here. These accusations do not even need to be proven, because ISIS itself proudly acknowledges committing them. In fact, they proudly boast about their feats in front of the world's media, thinking they are great accomplishments.

There is hardly a place controlled by ISIS where they have not unjustly slaughtered or tortured citizens or innocent prisoners. The truth is that the followers of ISIS do not value the sanctity of human life and do not respect the pacts of peace with non-Muslims. They do not even care about the bond of fraternity that should unite all Muslims.

Overall, the damage ISIS has done to Islam is unprecedented. In Islam, any legal action we undertake and any act of worship we perform is weighed against the harm and the good it brings. ISIS' actions have caused great harm to Muslims around the world. They have made their life difficult and provoked hatred towards Islam and Muslims. This is in contradiction to the message of the Prophet of Islam (PBUH). When he sent two of his Companions to Yemen to call people to Islam, he made them aware that they would be representing him and the religion of Islam, so he advised that they should be soft and lenient with people. He instructed them to choose the easiest and most accommodating of the available options. He said to them, "You are supposed to bring glad tidings to people, not to make them run away from Islam," and, "You are sent to make things easy for them, not sent to bring hardships." (Qāḍī ʿIyāḍ, *al-Shifā*, p. 548; al-Bukhārī, *Ṣaḥīḥ* §6128).

The grave transgressions committed by ISIS make it obligatory (*wājib*) for Muslims to fight against them. Muslims are duty bound to shatter its forces, stop its crimes, and to rid humanity of its evil.

Notes

[1] I have not documented these crimes as several centers and organizations are already doing that. I did not want to burden the book with many specific examples. After all, most of the facts that I mention have been widely reported, including by ISIS-controlled media, which makes them

eminently credible. ISIS rejects tangible evidence when it claims that some of the reports are false and that the media is purposefully distorting its image.

[2] https://www.washingtonpost.com/world/syria-tribal-revolt-against-islamic-state-ignored-fueling-resentment/2014/10/20/25401beb-8de8-49f2-8e64-c1cfbee45232_story.html (last accessed August 12, 2015)

[3] See Chapter 10 - Legal Rulings Regarding Non-Muslims in Muslim Countries

[4] http://www.cnn.com/2014/08/19/world/meast/isis-james-foley/ (last accessed August 12, 2015).

[5] http://www.theguardian.com/world/2014/nov/16/us-confirmation-isis-murder-peter-kassig (last accessed August 12, 2015)

[6] Abdur Rahman Peter Kassig's story had an incredibly negative impact on Western societies, particularly in driving people away from embracing Islam. Not even his conversion to Islam could spare his life. His conversion is an established fact, confirmed by the letters that his parents received from him, testifying to his sincere acceptance of Islam. His Islamic funeral prayer was led by me in the mosque of Fishers, his hometown, a suburb of Indianapolis, Indiana, USA. I spoke with his parents after the prayer and they handed over to me a letter of thanks.

[7] See the commentary of this verse in *al-Jāmi' li Aḥkām al-Qur'ān* by al-Qurṭubī.

[8] Shaykh Yūsuf al-Qaraḍāwī, http://qaradawi.net/new (last accessed January 15, 2016).

[9] "In burning the crusader pilot alive and burying him under a pile of debris, the Islamic State carried out a just form of retaliation for his involvement in the crusader bombing campaign which continues to result in the killing of countless Muslims who, as a result of these airstrikes, are burned alive and buried under mountains of debris…" *DABIQ* (issue 7, p. 6)

[10] Burning the Jordanian pilot Muʿādh al-Kasasbeh is one of the most heinous crimes of our time, and the difference in opinion regarding its legal status is weak at best. The evidence presented by those who permit burning is totally invalid as the evidence forbidding torture by fire is based on the most authentic narrations.

[11] These three rules were set by the Prophet (PBUH) himself. ʿĀ'isha narrated that the Messenger of God (PBUH) said, "Avoid applying the *ḥadd* penalties as much as you can. If you find a way out for a Muslim, then release him. It is better for the judge to err in pardoning than to err in punishing." Recorded by al-Tirmidhī in *al-Jāmiʿ*, al-Ḥākim in *al-Mustadrak* (vol. 4 p. 379), and others. Ibn Masʿūd narrated, "Avoid applying the *ḥadd* penalties in the presence of the slightest doubt; you should find a way out of sentencing Muslims to capital punishment as often as you can." Cited by al-ʿAsqalānī, *al-Talkhīṣ al-Ḥabīr* (vol. 2 p. 56).

[12] Al-Bukhārī, *Ṣaḥīḥ* (§1042).

[13] Mentioned by al-Nawawī in *Riyāḍ al-Ṣāliḥīn*, in the section "The Impermissibility of Torturing with Fire any Animal, even a Louse." He said, "Abū Dāwūd narrated it with a sound chain of transmission."

[14] See al-Mubārakfūrī, *Tuḥfat al-Aḥwadhī*, vol. 5, pp, 24–25.

[15] Ibn Jarīr al-Ṭabarī, *Jāmiʿ al-Bayān fī Aḥkām al-Qurʾān* (vol. 14 p. 133).

[16] http://www.nytimes.com/2014/10/26/world/middleeast/horror-before-the-beheadings-what-isis-hostages-endured-in-syria.html (last accessed November 30, 2015)

[17] Recorded by Muslim, Imam Aḥmad, and Abū Dāwūd on the authority of Hishām b. Ḥakīm. Also recorded by Imam Aḥmad and by al-Bayhaqī in *Shuʿab al-Īmān* on the authority of ʿIyād b. Ghanm. Al-Suyūṭī alluded to its authenticity in *al-Jāmiʿ al-Ṣaghīr*, and al-ʿIrāqī said, "The chain of Aḥmad is sound." (al-Munāwī, *Fayḍ al-Qadīr* (vol. 2 p. 304))

[18] Al-Qurṭubī, *al-Jāmiʿ li Aḥkām al-Qurʾān* (vol. 13 p. 124).

[19] Al-Zaylaʿī said in *Naṣb al-Rāya*, "A group narrated it except al-Bukhārī," referring to the major six books of hadith, except al-Bukhārī. All narrate it in the chapter "Slaughtering Animals" except al-Tirmidhī, who narrated it the section "Retributive Justice." See al-Zaylaʿī, *Naṣb al-Rāya*, (vol. 4 pp. 187–188), section "Slaughtering Animals," chapter "The Recommendations in Slaughter."

[20] Ibn Qudāma, *Al-Mughnī* (vol. 9 p. 317).

[21] Ibn Rajab al-Ḥanbalī, *Jāmiʿ al-ʻUlūm wa al-Ḥikam* (p. 142). Here we find a comprehensive discussion on the etiquette of slaughtering animals, detailing the required gentleness and the impermissibility of mutilating or torturing.

[22] Recorded by Imam Aḥmad in *al-Musnad*, Abū Dāwūd in the section "The Prohibition Against Mutilation," Ibn Mājah, Ibn Ḥibbān in his *Ṣaḥīḥ*, Ibn al-Jārūd in *al-Muntaqā*, Ibn Abī Shayba in *al-Muṣannaf*, al-Ṭaḥāwī in *Mushkil al-Āthār*, al-Ṭabarānī in *al-Muʿjam al-Kabīr*, and al-Bayhaqī in *al-Sunan*.

[23] "[M]any of those who say 'La ilaha illallah' have fallen into different shades of shirk at all levels, including shirk in tawassul and du'a, shirk in obedience, ruling and legislation, and shirk in love, support and allegiance." *DABIQ* (issue 2, p. 10)

[24] http://www.washingtonpost.com/news/morning-mix/wp/2014/06/13/isis-beheadings-and-the-success-of-horrifying-violence/ (last accessed August 12, 2015)

[25] Recorded by Abū Dāwūd, Ibn Mājah, and Imam Aḥmad on the authority of ʿĀʾisha j. Ibn Daqīq said, "Its chain fulfills [Imam] Muslim's requirements."

[26] Recorded by Muslim in his *Ṣaḥīḥ*, in the famous four books of *Sunan*, and by Imam Aḥmad. On the authority of ʿImrān b. Ḥuṣayn who said, "The Messenger of God s would encourage us to give charity and prohibit us from mutilation." Recorded by Abū Dāwūd, al-Nasāʿī, Imam Aḥmad, and Ibn Ḥibbān. On the authority of al-Mughīra b. Shuʿba who said, "The Messenger of God s prohibited mutilation," as recorded by Imam Aḥmad.

[27] Recorded by al-Ṭabarānī in *Al-Muʿjam al-Kabīr* on the authority of ʿAbdullāh b. ʿAmr, and by al-Khaṭīb al-Baghdādī in *Tārīkh Baghdād* on the authority of Abū Hurayra. See *Kashf al-Khafā* (vol. 2 p. 283). The wording of al-Ṭabarānī is "Whoever looks at a Muslim…"

[28] http://www.independent.co.uk/news/world/middle-east/isis-publishes-penal-code-listing-amputation-crucifixion-and-stoning-as-punishments--and-vows-to-vigilantly-enforce-it-9994878.html (last accessed November 30, 2015)

[29] The title of the book is *Fiqh Ṭatbīq al-Ḥudūd*, translated as "Understanding the Implementation of Islamic Penalties." In November 2014 I delivered a lecture at Zaytuna College, California, USA, in which I offered a summary of the book and new findings. I authored the book after some armed fighters in Aleppo killed a 14 year-old boy for allegedly insulting the Prophet (PBUH) despite his words contained no blasphemy.

[30] *Al-Bahja fī Sharḥ al-Tuḥfa* (vol. 1 p. 34). He narrated these words from Imam Muḥammad b. ʿAbd al-Salām Banānī. Also in *Tuḥfa al-Ḥukkām*, a didactic poem about court procedures by Ibn ʻĀṣim al-Gharnāṭī al-Mālikī.

[31] https://www.hrw.org/news/2014/07/19/iraq-isis-abducting-killing-expelling-minorities (last accessed August 12, 2015)

[32] Recorded by al-Bukhārī on the authority of Ibn ʿAbbās.

[33] Recorded by al-Bukhārī in the section "Injustices," chapter "Looting Without the Permission of Its Owner."

[34] http://www.huffingtonpost.com/2014/07/25/isis-jonah-tomb_n_5620520.html (last accessed November 23, 2015).

[35] http://www.iraqinews.com/features/urgent-isil-destroys-mosque-biblical-jonah-prophet-yunus/ (last accessed August 12, 2015)

[36] http://www.worldbulletin.net/news/156360/isil-destroys-historical-church-in-mosul (last accessed August 12, 2015)

[37] http://www.bbc.com/news/world-middle-east-33369701 (last accessed November 30, 2015)

[38] http://www.bbc.com/news/world-middle-east-33369701 (last accessed August 12, 2015)

[39] See http://www.hakaekonline.com/?p=66167 (last accessed November 21, 2015).

[40] *DABIQ* (issue 4, p. 15)

[41] Recorded by al-Bukhārī, Abū Dāwūd, and al-Tirmidhī, who said that the hadith is sound and strong. The Ḥanafīs deemed Arab idol-worshippers an exception to this.

[42] Recorded by Muslim in his *Ṣaḥīḥ*, (vol. 5 pp. 139–140) in the beginning of the section "Jihad and Wars"; al-Tirmidhī, Abū Dāwūd, and al-Nasāʾī in *al-Sunan al-Kubrā*, (vol. 5 p. 207).

[43] Al-Baghawi, *Sharḥ al-Sunna* (vol. 9 p. 11).

[44] Ibn Qayyim, *Aḥkām Ahl al-Dhimma* (vol. 1 p. 15).

[45] Al-Kāsānī, *Badāʾiʿ al-Ṣanāʾiʿ* (vol. 7 p. 110). Section: "Biographies."

[46] The tribes of Hāshim, al-Muṭṭalib, Asad b. ʿAbd al-ʿUzza and Zuhara b. Kilāb subscribed to this pact: should they find anyone in Mecca who was wronged, whether an inhabitant of the city or a foreigner, they would stand by him and take action against the wrongdoer. Also in the hadith there is the statement, "Truly I witnessed that pact in the house of ʿAbdullāh b. Judʿān, and if I was invited to partake in it in Islam I would have answered." See Ibn Hishām, a*l-Sīra al-Nabawiyya* (vol. 1 p. 242).

[47] http://www.hrw.org/news/2015/04/14/iraq-isis-escapees-describe-systematic-rape (last accessed November 30, 2015)

[48] http://www.amnesty.org.uk/sites/default/files/escape_from_hell_-_torture_and_sexual_slavery_in_islamic_state_captivity_in_iraq_-_english_2.pdf (last accessed August 12, 2015)

[49] http://edition.cnn.com/2014/06/25/world/meast/syria-isis-schoolboys/index.html (last accessed November 30, 2015)

[50] https://www.facebook.com/frontline/videos/10153189100321641/?pnref=story (last accessed November 30, 2015)

CHAPTER III

In the Words of ISIS

To provide Islamic credentials for their wicked actions, ISIS members quote the Quran and the Prophetic narrations in abundance, but in reality what they quote has no relevance to their behavior. What legitimacy would ISIS have without the Islamic rhetorical cover of an alleged Caliphate and a self-proclaimed Caliph? ISIS' actions reflect nothing more than a deviant, barbaric, and vengeful terrorist organization that bears no relation to the beautiful character and practice of Prophet Muhammad (PBUH). They employ Islamic rhetoric in an instrumental and abusive manner to obtain worldly power and territorial control.

The history of the self-proclaimed caliphate, which was announced on 29th June 2014, clearly reveals that behind ISIS there is a power struggle. The declaration came weeks after the capture of Iraq's second largest city, Mosul, on 10th June 2014, months after they had taken control of al-Raqqa in Syria and al-Anbar in Iraq. Surprisingly, this was some eight years after they had established their Islamic State of Iraq (ISI) back in October 2006. This observation is quite significant: why an eight-year delay in declaring the ISIS Caliphate? The explanation for this discrepancy lies in the backstage conflict between ISIS and Al-Qaida (AQ). AQ's representative in Syria, Jabhat al-Nusra (JN), had been supported by ISI since 2012. When the latter declared the Islamic State of Iraq and al-Sham (ISIS) on 8th April 2013 and included AQ-JN in their State, a bloody conflict arose between AQ-JN and ISIS. At this juncture AQ's leader Ayman al-Zawahiri decided to support AQ-JN against ISIS. Naturally, AQ was better known than ISIS at that time and was pulling the highest number of foreign fighters into Syria. So declaring a Caliphate on 29th June 2014 was the only way by which ISIS could supersede AQ as the premier jihadi organization and claim to be the inheritor of Usama Bin Laden's legacy. They would have had no credentials to claim such a role, nor would they have attained such a

reputation, had they not hid under the Islamic cover and rhetoric of being a caliphate. So, that's why they did it.

Upon ISIS' proclamation of the caliphate, their self-appointed caliph, known as Abu Bakr al-Baghdadi, claimed to have established a caliphate in compliance with the "Prophetic way," meaning following the Prophet's (PBUH) footsteps.

It is easy to refute this claim just by quoting from ISIS' own sources. Here I will quote primarily from their English-language publication *Dabiq*.

In this section of the book I shall cite excerpts from ISIS' publications relating to four themes: (1) ISIS' leaders, (2) ISIS' worldview, (3) ISIS' roadmap and (4) ISIS' view on Muslims. The excerpts that I am reporting here will suffice to prove that ISIS acts against the very Prophetic way that it claims to follow. The quotes will also illustrate what type of poisonous discourse and twisted theology are used by ISIS.

ISIS' LEADERS

> "Rest assured, O soldiers of the Islamic State, for we – by God's permission – will carry on upon the manhaj (way) of the imam Shaykh Usamah [Bin Laden], the amir of the istishhadiyin[1] Abu Mus'ab az-Zarqawi, the founder of the [Islamic] State Abu 'Umar al-Baghdadi and its war minister Abu Hamzah al-Muhajir. We will never alter nor change until we taste what they tasted."[2] … "And when Amirul-Mu'minin Abu 'Umar al-Baghdadi … gained shahadah [martyrdom] alongside Abu Hamzah al-Muhajir… the Islamic State did not waver, rather its leadership unanimously pledged allegiance to Amirul-Mu'minin Abu Bakr al-Baghdadi…"[3]

Here it is clear that ISIS follows the five above-mentioned leaders: Usama Bin Laden, Abu Mus'ab al-Zarqawi, Abu Umar al-Baghdadi, Abu Hamza al-Muhajir and Abu Bakr al-Baghdadi. Now, first of all, to compare the life of Prophet Muhammad (PBUH) with the actions of the aforementioned heretic and renegade leaders is an insult to the stature of our Prophet (PBUH). No sane mind can claim that these five leaders are followers of the Prophetic way. Here it will be enough to mention that the Prophetic life

conduct (Sunna) teaches us that it is prohibited to kill civilians. Clearly, none of the ISIS leaders could honestly claim to be following the Prophet's (PBUH) way. I would also like to emphasize that ISIS, in claiming Usama Bin Laden as one of its leaders, has weakened itself, as Bin Laden's AQ organization has been fighting against ISIS since 2013. How can ISIS claim to be following Bin Laden when his followers are killing ISIS' followers? This is a perfect example of how confused the minds of ISIS' members are.

ISIS' WORLDVIEW

Al-Baghdadi said: "O *Ummah* (community) of Islam, indeed the world today has been divided into two camps and two trenches, with no third camp present: the camp of Islam and faith and the camp of *kufr* (unbelief) and hypocrisy – the camp of the Muslims and the *mujahidin* (religious fighters) everywhere, and the camp of the Jews [*sic*], the crusaders, their allies, and with them the rest of the nations and religions of *kufr*, all being led by America and Russia, and being mobilized by the Jews [*sic*]." [4]…

He continued: "The first priority is to perform *hijrah* (migration) from wherever you are to the Islamic State, from dar-ul-kufr to dar-ul-Islam…".[5] "The gray zone is critically endangered, rather on the brink of extinction. Its endangerment began with the blessed operations of September 11th. In fact, these operations manifested two camps before the world for mankind to choose between: a camp of Islam – without the body of *Khilafah* [caliphate] to represent it at the time – and a camp of *kufr*, the crusader coalition. Or as Shaykh Usamah Ibn Ladin said, "The world today is divided into two camps. Bush spoke the truth when he said 'Either you are with us or you are with the terrorists'. Meaning, either you are with the crusade or you are with Islam".[6]

Al-Baghdadi went on to claim "O Muslims, Islam was never for a day the religion of peace. Islam is the religion of war. Your Prophet (sallallāhu 'alayhi wa sallam) was dispatched with the sword as a mercy to the creation. He was ordered with war until Allah is worshipped alone…[7]

There are two points regarding the ISIS worldview that deserve emphasis. Firstly, ISIS' view of "Islam versus the rest" reflects an "us versus them" mentality, not the "right versus wrong" approach that is typical of the Muslims. Furthermore, by saying that (former US President)

Bush was right, ISIS is effectively following the neo-conservative ideological stance of the Bush administration, certainly not the Prophetic way. The Messenger of God (PBUH) established the first Islamic State of Medina through the Covenant of Medina, which included non-Muslims, such as the pagans and the Jewish inhabitants of the city. The Messenger (PBUH) also sent some of his Companions, including his own daughter and son-in-law, to live in the Christian kingdom of Abyssinia. These two examples are sufficient to invalidate the "us versus them" dichotomy advocated by ISIS.

Secondly, the claim that the Prophet (PBUH) was only sent with the sword and ordered to wage war until God alone is worshipped is an outrageous misrepresentation of the Prophetic example. In fact, such statement will clearly appear as a willful distortion when we consider the history the Prophet's (PBUH) twenty-three year mission of inviting people to Islam. Merely 200 days (less than a year) out of these twenty-three years were spent on military expeditions, including the days spent traveling. The Word of God speaks irrefutably about the goal of the Prophetic message, as we read in the Holy Quran (21:107), God says to His Final Messenger (PBUH) ﴿*We have not sent you But as Mercy to the worlds*.﴾

Those who claim that Islam is not a religion of peace blatantly oppose God's Word reported in the Holy Quran. Moreover, God Almighty also orders His Messenger (and every believer afterwards) to opt for peace if the enemies choose peace over war: ﴿If they opt for peace, then opt for it and rely on God﴾ (8:61). In fact, the goal of every religion is to establish both inward peace, between a human being's heart and the Creator, and outward peace, in the society. This major goal is also apparent in the very name of our religion, "Islam," whose lexical root, consisting of the three letters S L M, is the same as that of the word peace ("*salām*").

ISIS' "ROADMAP TO CALIPHATE"

> […] Abu Mus'ab... implemented the strategy and the tactics required to achieve the goal of Khilafah without hesitation. In short, he strove to create as much chaos as possible… With chaos, he intended to prevent any *taghut*[8] regime from ever achieving a degree of stability… To achieve maximum chaos, the

> Shaykh focused on the most effective weapons in the arsenal of the *mujahidin* for creating chaos – vehicle bombs, IEDs, and *istishhadiyyin* (assassins on suicidal missions). He would order [*sic*] to carry out *nikayah*[9] operations dozens of times in a dozen areas daily, targeting and killing sometimes hundreds of apostates from the police forces and *Rafidah* (Shi'is)…In addition to that, he tried to force every apostate group present in Iraq into an all-out war with *Ahl-us-Sunnah*. [10] So he targeted the Iraqi apostate forces (army, police and intelligence), the *Rafidah* (Shia markets, temples and militias) and the Kurdish secularists (Barzani and Talabani partisans)… Thus, by using methods that led to maximum chaos and targeting apostates of all different backgrounds, the *mujahidin* were able to keep Iraq in constant instability and war, never allowing any apostate group to enjoy a moment of security… The collapse was followed by the *mujahidin* quickly entering the vacuum left, to announce and establish the Islamic State of Iraq under the leadership of… Abu 'Umar al-Husayni al-Baghdadi… In short, these phases consist of immigrating to a land with a weak central authority to use as a base, where a jama'ah[11] can form, members can be recruited and trained… then take advantage of the situation by increasing the chaos to the point leading to the complete collapse of the *taghut* regime in entire areas, a situation some refer to as "*tawahhush*" (savagery). The next step would be to fill the vacuum by managing the state of affairs, to the point of developing into a full-fledged state, and continuing expansion into territory still under the control of the *taghut*. This has always been the roadmap towards *Khilafah* for the *mujahidin*.[12]

This evil strategy outlined by ISIS is the way (*manhaj*) which they actually follow. Obviously, this is *not* the Prophet's way. In fact, their strategy has no connection whatsoever with the noble character of the Prophet Muhammad (PBUH) who was sent by God as a mercy to the whole of mankind and to all the worlds. Their nefarious, power-hungry mentality reflects a wicked secular ideology by which the means justify the ends, i.e., creating mayhem via mass murder in order to bring about a vacuum of authority. This villainy is not permissible in Islam. Such mischievous

behavior, however, is not surprising, considering that the whole ISIS project is an attempt at hiding selfish political aims under the cover of Islamic ideology: they mobilize forces for purely secular and material objectives, such as exacting revenge and seizing power, resources, territory, etc.

ISIS' VIEWS REGARDING MUSLIMS

Regarding the killing of Muslims, they say:

> [A]mongst those who are liable to have their blood shed for the sake of this cause are fellow Muslims who testify that *La ilaha illallah* ("there is no god but Allah"). However, these Muslims are renegades whom it's permissible to fight, and for no reason other than the fact that they refuse to give *bay'ah* (allegiance) to one imam or another.[13]… [M] any of those who say "*La ilaha illallah*" have fallen into different shades of *shirk* (idolatry) at all levels, including shirk in *tawassul* (seeking means to approach God) and *du'a* (prayer), *shirk* (associating other gods with Allah) in obedience, ruling and legislation, and *shirk* in love, support and allegiance.[14]… So until we return to the correct state of Islamic affairs, it's upon us all to work together to eradicate the principle of "free choice",[15]… [A] person who ignorantly practices any major *shirk* or totally abandons the practice of the religion's other four pillars (prayer, alms tax, fasting and pilgrimage) can never be considered a Muslim, and that is because the very basis of Islam is sincerity and submission. So if someone commits major *shirk*, he is a *mushrik* (idolater). And if he totally abandons the practice of the four pillars, he is a *kafir* (unbeliever).[16]

Regarding the killing of Shiites and Saudis, they say:

> [A]ssaults by the *mujahidin* of the Islamic State against the filthy *Rawafid* [the Shiites] … which resulted in the execution of 1700 *Rafidi* [Shiite] soldiers.[17]… Draw your swords. Deal with the *Rafidah* first, wherever you find them, then *Al Salul* (the Saudi family) and their soldiers before [turning to] the crusaders and

> their bases. Deal with the *Rafidah*, *Al Salul*, and their soldiers.[18]… As for Yemen… [t]he *Rafidi Houthis* have entered it, but the car bombs have not roasted their skin, nor have the explosive belts and IEDs severed their joints. Is there not in Yemen a person who will take revenge for us against the *Houthis*?...The *Khalifah* Ibrahim…said in his address: "And O soldiers of Yemen... be harsh against the *Houthi Rafidah*, for they are *kuffar murtaddin* (apostate unbelievers). Fight them and overcome them."[19]… The ruling of apostasy on the Rafidah does not mean they had ever been Muslims [*sic*] but rather, that they are to be dealt with much more severely, as they must either enter into Islam or face the sword, as opposed to being treated like *kuffar asliyyin* (original unbelievers)[20] who can sometimes be allowed to remain with their *kufr* (unbelief) in certain circumstances (treaties, slavery, etc.)[21]

Regarding those whom they consider apostates or idol-worshippers, they say:

> The murtadd (apostate) Hamza Yusuf (the famous American Muslim scholar and founder of Zaytuna College) condemned the attack on Charlie Hebdo[22]… The apostatizing [*sic*] hypocritical factions are those who moved from the gray zone to the camp of *kufr* by aiding the blatant *murtaddin* – the secularist and democratic factions…[23]… *Sahwah* factions of apostasy kill the people of Islam (the *muhajirin* and *ansār* of the Islamic State whom they label *Khawārij*) and leave the people of idolatry alone (the *murtaddin*, apostates) of the Syrian National Coalition and Syrian Interim Government whom they call brothers…[24]… [W] hen the apostates (the *Tawaghit* and the *Rafidah*) fight each other, it is not permissible for the Muslim to support one party of apostates against the other…So it is not permissible for the Muslim to fight against *Al Salul* under the leadership of the *Rafidi Houthis* nor is it permissible to fight against the *Rafidi Houthis* under the leadership of Al Salul. If he does fight under the leadership of the *taghut* in defense of his *kufri* [unbelieving] regime, he apostatizes [*sic*] from Islam.[25]… [T]he apostate *Ba'th*

> regime of the *taghut* Saddam …the *taghut* Erdogan regime … the *tawaghit* [plural of *ṭāghut*] of Turkey, *Al Salul*, and Qatar – the triad of apostasy – mobilized without seeking permission from their crusader masters. They gained support from the Arab and non-Arab *tawaghit* of Bahrain, Kuwait, the UAE, Egypt, Jordan, Morocco, Senegal, Bangladesh, Sudan, Pakistan, and Somalia, to aid the *taghut* regime of Abd Rabbuh Mansur Hadi against the *Rafidah* of the *Houthis* and Ali Abdullāh Saleh in Yemen. …The apostate triad – Turkey, *Al Salul*, and Qatar – also funneled aid to a newly formed coalition of factions addicted to taghut support – "Jaysh al-Fath"[26]

Here is an excerpt from an order issued by ISIS' "Caliph":

> This is the order of the Khalifah [Caliph]… Either ones [*sic*] performs *hijrah* (migration) to the wilayat (territory) of the Khilafah [caliphate] or, if he is unable to do so, he must attack the crusaders, their allies, the *Rafidah* [Shiites], the *tawaghit* and their apostate forces, wherever he might be with any means available to him, and he should not hesitate in doing so, nor consult any supposed "scholar" on this obligation. He should attack after declaring his *bay'ah* [allegiance] to the *Khilafah*, so as not to die a death of *Jahiliyyah* [in a state of un-Islamic ignorance].[27]

In order to simplify the aforementioned quotes about ISIS' views regarding Muslims, it suffices to emphasize that in their eyes the only real Muslims are those who are affiliated to ISIS. Muslims who do not become a part of ISIS fall under one of the following categories: apostates (*murtaddūn*), unbelievers (*kuffār*), idolaters (*ṭawāghīt*), rejectionist Shiites (*Rāfiḍa*) or polytheists (*mushrikūn*), people supported by crusaders, Jews, heretics, etc.

The above quotes taken from ISIS' literature amply document their terrorist leaders' ideology, binary worldview, strategic roadmap of chaos and views toward other Muslims. These few excerpts should be enough to make us perceive clearly that ISIS is *not* upholding the Prophetic way.

Notes

[1] Suicide bombers.

[2] *DABIQ*, Issue 7, Responding to the doubts, 1436 Rabi' al-Akhir, p. 25.

[3] *DABIQ*, Issue 1, Feature: From Hijrah to Khilafah, 1435 Ramadan, p. 40.

[4] *DABIQ*, Issue 1, Khilafah Declared, 1435 Ramadan, p. 10.

[5] *DABIQ*, Issue 2, Foreword, 1435 Ramadan, p. 3. Also mentioned in *DABIQ*, Issue 1, op.cit., page 11: Abu Bakr al-Baghdadi: "whoever is capable of performing hijrah (emigration) to the Islamic State, then let him do so, because hijrah to the land of Islam is obligatory."

[6] *DABIQ*, Issue 7, The Extinction of the Grayzone. 1435 Rabi' al-Akhir, p. 54.

[7] DABIQ, Issue 9, An Address from the Khalifah on the Last Plot of the Apostates, 1436 Sha'ban, pp. 52–59.

[8] *Ṭāghūt* refers to idols or things worshipped besides God. It is a term applied by ISIS and similar groups to governments that rule by manmade laws. [ed.]

[9] That is, acts that create mass casualties. [ed.]

[10] Sunni Muslims. [ed.]

[11] Group or organization. [ed.]

[12] *DABIQ*, Issue 1, Feature: From Hijra to Khilafah, 1435 Ramadan, pp. 35–40.

[13] *DABIQ*, Issue 1, The Concept of Imamah (leadership) is From the Millah of Ibrahim, 1435 Ramadan, page 24.

[14] *DABIQ*, Issue 2, The Widespread Ignorance Amongst the People, 1435 Ramadan, pp. 10–11.

[15] Ibid.

[16] *DABIQ*, Issue 7, Islam is The Religion of the Sword Not Pacifism, 1436 Rabi' al-Akhir, p. 23, fn. 6.

[17] ISN Islamic State News, Issue 4, Smashing The Borders of Tawaghit. 1435 Sha'ban, p. 7.

[18] *DABIQ*, Issue 5, Remaining & Expanding, 1436 Muharram, pp. 27–28.

[19] Ibid.

[20] The term *kuffār aṣliyyīn* refers to people who have never embraced Islam, in contradistinction to apostates who were once Muslims but left the religion. [ed.]

[21] *DABIQ*, Issue 6, Dismantling a Khariji Cell, 1436 Rabi' al-Awwal, p. 31 fn. 1.

[22] *DABIQ*, Issue 7, The Extinction of the Grayzone. 1436 Rabi' al-Akhir, p. 61.

[23] Ibid. p. 64 fn. 11.

[24] *DABIQ*, Issue 8, The Allies of al-Qa'idah in Sham, 1436 Jumada al-Akhira, p. 11 fn 1.

[25] *DABIQ*, Issue 9, The Allies of al-Qa'idah in Sham: Part II, 1436 Sha'ban, p. 7.

[26] *DABIQ*, Issue 9, An Address from the Khalifah on the Last Plot of the Apostates, 1436 Sha'ban, pp. 52–59.

[27] Ibid. page 54.

CHAPTER IV

ISIS' Excommunication (*takfīr*) of the Muslim Masses

THE DEFINITION OF TAKFÏR

Takfīr is to pass a judgment that a certain Muslim has left Islam for its opposite, i.e., unbelief.
There are several consequences of such a judgment. We enumerate here some of them to show how serious it is to declare any believer as an apostate:

- The necessity to repent or face death penalty.
- The annulment of any marriage contract and separation between husband and wife.
- Deprivation from receiving inheritance from relatives.
- One's past good deeds will be erased

There are several other consequences mentioned by the jurists. Linguistically, *takfīr* stems from the trilateral verb *kaffara* used to assert an attribution to unbelief. The intensive form of the verb, from which *takfīr* stems, is *kaffara* used to charge someone with unbelief.

WARNINGS AGAINST TAKFIR

The first warning of passing a judgment of unbelief on people is found in the words of God Almighty, ﴿*O you who believe! When you go abroad in the cause of God, investigate carefully, and say not to anyone who offers you a salutation: "You are not a believer!"—coveting the perishable goods of this life. With God are profits and spoils abundant. Even thus were you yourselves before, till God conferred on you His favors: Therefore carefully investigate. For God is well aware of all that you do.*﴾ (4:94)

The Prophet Muhammad (PBUH) gave a stern warning against *takfīr* as he said, in a hadith narrated by Thābit b. al-Ḍaḥḥāk, "Cursing a believer is like killing him; accusing a believer of unbelief is similar to killing him."[1] He (PBUH) also said, "Whenever a man says to his brother, 'O infidel'('*kāfir*) the judgment of unbelief falls on one of the two. Either it is true, or else it comes back to him."[2] Ibn ʿAbd al-Barr said in *al-Istidhkār*, "it means he bears its sin."

The companions of the Prophet refrained from doing *takfīr* on any Muslim. Ibn ʿAbd al-Barr narrated from Abū Sufyān who said, "I said to Jābir, 'would you say "*kāfir*" to any Muslim?' He said, 'No.' I said, 'what about "*mushrik*" (pagan)?' He said, 'God forbid!' and was frightened." [3]

Al-Qurṭubī said, "The issue of *takfīr* is a dangerous one. Many embarked on it and plunged into it, while the luminaries refrained and were saved." [4] Ibn ʿĀbidīn said:

> Al-Ṭāḥāwī narrated from our early scholars that nothing takes a person out of religion except rejecting what brought him into it. Judgment of apostasy must be based on certainty, and if there is doubt then no judgment is passed *as a person's confirmed state of being a Muslim is not to be waved by doubt* [emphasis mine], add to this that a man's state of being a Muslim is always superior. When a scholar receives such a case he should not rush to excommunicate him, specially that he would judge a person coerced into Islam as a Muslim. In *al-Fatāwa al-Ṣughrā* it states, "Unbelief is a grave matter, so I will never make a believer an unbeliever as long as I can find an opinion that suggests he should not be excommunicated." In *al-Khulāṣa* and other books we find that if a case has many perspectives that lead to *takfīr* and only one that does not, then the mufti must adopt that which

> prevents *takfīr* based on having good opinion of Muslims (i.e., assuming he would not say that which would cause excommunication)… to sum it up, no fatwa asserting the unbelief of a Muslim may be issued as long as it is possible to interpret his words in a good way, or there is a difference of opinion whether he committed an act of unbelief or not, even if the opinion is weak. [5]

Ibn Taymiyya said in *Minhāj al-Sunna*, "Accusation of unbelief is one of the ills of the innovators. When they differ, scholars accuse each other of error not of unbelief."[6]

ISIS EXCOMMUNICATING MUSLIMS

It seems that all of these texts and evidences which we presented (and many others we did not mention for the sake of brevity) are not enough to convince ISIS that they should not accuse Muslims of unbelief or excommunicate them. This again is due to the two chronic diseases ISIS suffers from: ignorance and fanaticism. They are driven by anger and hatred as opposed to knowledge and wisdom. They have never encountered the rules concerning differences between the great scholars, nor do they know the jurisprudence of the major schools of law or the way to resolve an issue where there are opposing arguments. Likewise, they are oblivious to the nuances of Arabic, the meanings a word can denote, and how legal rulings differ according to slight differences of expression. This is why their level of ignorance is unprecedented.

One of the biggest calamities brought by ISIS is their excommunication of the majority of Muslims;[7] not simply an individual or a small group but rather the entire Muslim community around the world. [8] They consider themselves to be the only true followers of Islam, and have already excommunicated anyone who fights them and excommunicated the Muslim rulers and anyone who gives allegiance to them.[9]

In fact, they deem anyone who opposes them to be automatically an unbeliever.[10] Despite the fact that they claim to be Salafis, they excommunicate the majority of Salafis, and despite the fact that they call for jihad, they are the ghastliest enemy of the Mujāhidūn. ISIS' campaign

of *takfir* is not limited to the Muslim world; according to them, all Muslims in the West are heretics, and their mosques are not considered places of worship. We read in Dabiq that ISIS says, “Another difficulty present in the West is that in general no masājid exist except those of dirār (evil harm) and deviance run by the Ikhwān, the Sufis, the Madākhilah, the Surūriyyah, the Tablīgh Jamā’ah, the Deobandis, and the modernists. There are almost no masājid in which one can seek shelter from heresy and belong to a community of strangers.”[11]

They use flimsy arguments and obvious fallacies to justify their judgment against Muslims and their mudering of their captives. They did exactly as Ibn ʿUmar (d. 693 CE) said when he described the *Khawārij*, “They picked up verses from the Holy Quran that speak about unbelievers and applied them to Muslims.”[12]They are unaware of the principles of inferring legal judgments (*ijtihād*) and devoid of the skills required by a *mujtahid* (one who legitimately exercises *ijtihād*). They select from sacred texts what appeals to them while rejecting others which clearly oppose them. They do not accept the fatwa of any erudite rightly guided scholar. Therefore, their interpretation is to be disregarded and their opinions are to be ignored.

Many individuals defected from ISIS and exposed the beliefs of its members as well as the reality of its treatment of opposition. One of the strongest testimonies is what *Asharq Al-Awsat* reported[13] from a Tunisian who defected from ISIS and said about it, “If you don’t work with ISIS and profess allegiance to it then (in the eyes of ISIS) you are ignorant of the religion and you should be killed, even if you are unaware of the gravity of your position. A second point, if a scholar declared that it is permissible to not punish an ignorant person due to his ignorance—i.e., by presenting an excuse for him—then such a scholar, is, according to ISIS’ literature, an unbeliever who should also be killed.”

To prove that ISIS’ ideology is very extreme, it is enough to see that the top leaders of the Salafi-Jihadi movement have opposed and disclaimed it including al-Qaeda’s leaders.[14]

The list of actions causing a Muslim to leave Islam in the eyes of ISIS and to therefore be excommunicated or judged as *kāfir* is almost endless. Here we present their most common reasons, which are all invalid according to authentic Sunni Islam:

- Joining a secular party
- Not implementing Shariah (they call it ruling by other than what God revealed)
- Supporting rulers who do not apply the Shariah
- Neglecting to acquire enough knowledge of Islam
- Supporting non-Muslims
- Emulating non-Muslims
- Cooperating with non-Muslims in worldly matters
- Seeking help from non-Muslims against Muslims.
- Promoting democracy
- Breaking the oath of allegiance to ISIS
- Spying on ISIS
- Fighting ISIS
- Honoring non-Muslims
- Living in non-Muslim countries when it is possible to migrate to a Muslim country

I will elaborate here on two of these causes of unbelief from this list: not implementing the Shariah (ruling by other than what God revealed) and democracy. I have also dedicated a chapter on seeking assistance from non-Muslims.

ISIS' extremism in *takfīr* has led them to deeming the territory they rule as the land of Islam and the Muslim world as a land of war, similar to the status of all non-Muslim countries in their view. Just as the beliefs of the original *Khawārij* led to their *takfīr* of their contemporaries, including the

noble Companions, the beliefs of the modern day Khawārij have led to their *takfīr* of the global Muslim population.

EXCOMMUNICATING RULERS AND COMMON PEOPLE

Excommunicating other Muslims plays a crucial role in ISIS' ideology, as they use the claim of apostasy to justify shedding the blood of Muslim rulers, whether they are kings, presidents, or prime ministers. They further justify shedding the blood of their supporters and make all their suicide bombings against any target in such countries lawful. Their *takfīr* provides justification for the wars they conduct, disguising their lust for power under the cloak of religious concerns.

In the ISIS publication *DABIQ* we read:

> It was as if they weren't aware that amongst those who are liable to have their blood shed for the sake of this cause are fellow Muslims who testify that la ilaha illallah. However, these Muslims are renegades whom it's permissible to fight, and for no reason other than the fact that they refuse to give bay'ah (allegiance) to one imam or another. [15]

This position is also evident from the words of ISIS spokesman Abū Muḥammad al-ʿAdnānī, who said in one of his addresses recorded on YouTube[16] :

> The armies of the false gods, leaders of the Muslim world, are in their entirety armies of apostasy and unbelief. The opinion that these armies are armies of unbelief and apostasy and that fighting them, particularly the Egyptian army, is necessary, is the reliable opinion in the religion of Allah; it is the opinion that is supported by the Shariah proofs from the Holy Quran, the Prophetic Tradition and the words of the illustrious, worthy scholars. It is certainly not from the opinion of the extremists who excommunicate others without proofs.

It is ironic that they see their opinions as not being the opinions of the extremists. His words are indicative of their complex state of ignorance

which is based on misunderstanding and stems from their extremism. It is in contradiction to the consensus of the Muslim jurists regarding the invalidity of declaring *takfīr* on someone who commits a major sin, as that is the way of the *Khawārij*.

We just read in the words of ISIS spokesman that they have proofs from the Holy Quran. So let us discover how they twist the words of God to find support for their deviant opinions. The strongest evidence which they use to declare the rulers as non-Muslims is the following verse, ﴿*And if any do fail to judge by what God hath revealed, they are unbelievers*.﴾ (5:44) However, it is a well-known rule in exegesis that when looking a piece of a text one must examine what comes before it and after it; as looking at the context will shed light on the text, what is meant by it, and who is addressed in it, amongst other things. This verse addresses the Jewish people who did not rule by God's revelation. Likewise, this verse cannot be understood independently of the other similar two verses: ﴿*And if any fail to judge by what God hath revealed, they are wrong-doers*.﴾ (5:45) And ﴿*And if any do fail to judge by what God hath revealed, they are aberrant*.﴾ (5:47)

Al-Qurṭubī said in his *tafsīr*[17] that the verses ﴿*And if any do fail to judge by what God hath revealed, they are unbelievers*﴾ ﴿*wrong-doers*﴾ and ﴿*those who rebel*﴾ were all revealed regarding the unbelievers and that this has been established in the famous authentic compilation of the Prophetic Traditions, *Ṣaḥīḥ Muslim*, from the hadith of al-Barāʾ. He said, "A Muslim is not to be charged with unbelief even if he commits a major sin. It is said that there is something implicit in the verse, i.e., 'and if any fail to judge by what God hath revealed *out of rejecting the Quran or the words of the Messenger* (PBUH), they are unbelievers.' Ibn Abbās and Mujāhid said this." [18] He then related the words of Ṭāwūs, "It is not such a rejection that takes one out of the religion but rather it is rejection without unbelief." He then said, "This differs if he rules whilst believing it is from God, as that necessitates unbelief. But if he rules out of desire and disobedience, then it is a sin and may be forgiven according to the Sunni principle of forgiveness for sinners."

His teacher, Abū al-ʿAbbās Aḥmad b. ʿUmar al-Qurṭubī, says in his commentary on *Ṣaḥīḥ Muslim*, "His words, ﴿*And if any do fail to judge by what God hath revealed, they are unbelievers*﴾ is used as a proof by those

who excommunicate sinners. These are the *Khawārij*; yet they have no proof in this verse, because these verses (the three of them mentioned earlier) were revealed regarding the Jews who twisted the words of God Almighty." Then he says, "The purpose of this discussion is to highlight that these verses were aimed at the stubborn unbelievers. Although its words may seem general, they do not include Muslims. This is because neglecting to rule by the Shariah whilst believing in its fundamentals is not *shirk* (polytheism). God Almighty says, ﴿*Lo! God forgiveth not that a partner should be ascribed unto Him. He forgiveth (all) save that to whom He will.*﴾ (4:48) Neglecting to rule by the Shariah, therefore, is not *shirk* by consensus and may be forgiven, while unbelief shall not be forgiven, so neglecting to rule by the Shariah is not unbelief."[19]

Ibn Taymiyya, who is respected and followed by all ISIS followers, related in his compilation of fatwas that Imam Aḥmad was asked about the unbelief mentioned in the verse of ruling by other than the Shariah. He said, "It is a rejection that does not take one out of the religion; just as belief is of various categories, likewise unbelief varies in its categories till it reaches an undisputable level." [20]

Al-Shātibi said in *al-Muwāfaqāt*, "This verse and the two that follow it were revealed regarding the unbelievers and those of the Jews who altered the words of God. They have no connection to Muslims, as a Muslim, even if he commits a major sin, is not described as an unbeliever."[21]

Al-Khaṭīb narrated in *Tārīkh Baghdād* that a man from the *Khawārij* sect was brought to the Caliph al-Maʾmūn, who asked him, "What prompted you to rebel against us?" The man replied, "A verse in the Book of God." Which is it?" The caliphs inquired. "It is ﴿*And if any do fail to judge by what God hath revealed, they are unbelievers*﴾" said the man. "So," al-Maʾmūn asked him, "do you have definite knowledge that this verse was revealed?" "Yes," the man said. The Caliph continued, "What is your proof ?" "The consensus of the scholars," the man said. Al-Maʾmūn replied, "Just as you have accepted their consensus that it is revealed, you must accept their agreement on its interpretation, too." [22]

DEMOCRACY

According to ISIS, democracy is an act of heresy. They consider it in direct opposition to religion, as it rejects God's revelation and substitutes legislation by the people in its place; therefore, in their view any Muslim who advocates democracy is automatically an unbeliever and his blood must be spilled.

ISIS' position does not recognize the various meanings and usages of the word democracy, nor does it understand how it functions, since democracy does not interfere with religion or aim at eradicating or replacing it.

In the Islamic world, democracy has never meant that people have the power to challenge God in any of His injunctions. The majority of Muslims who advocate democracy define it with the principles of justice and in opposition to dictatorship, and with the meaning that people have the right to choose their government. There is nothing wrong with this from Islamic point of view as long as the Shariah is the primary source of legislation, which is the case in most Muslim countries. The difference, therefore, is semantic and lies in the definition of a term and its connotation. A word may develop a new meaning through the use of a certain category of people, and when such a meaning is established it must be taken into consideration when issuing legal rulings. The newly developed meaning takes precedence over the original linguistic meaning. The majority of the rulings pertaining to oaths in Islamic jurisprudence are based not on their meanings in dictionaries but rather on what people developed when using them. We call these new uses "customary meanings." The customary meaning of democracy which is understood and used by the masses in the Islamic world is that democracy is *Shūrā* (consultation as opposed to dictatorship) and justice, which is the meaning employed by many Muslim preachers. No one in the Muslim world means by democracy the denial of God's existence, the rejection of the Shariah, or giving the general public the authority to choose what is religiously permissible or impermissible. The average Muslim does not regard anything more superior and beneficial than the law of God; therefore, excommunicating Muslims due to their adoption of democracy is absolutely wrong and is a crime against Islam itself, which affords people the right to decide on the form of their government.

We know that the first seven caliphs, including the first five orthodox caliphs, were chosen each in a different way. Abū Bakr, the first caliph, was

chosen for his closeness to Prophet Muhammad (PBUH); ʿUmar, the second caliph, was named by the first, while ʿUmar himself established a committee of six people to chose the next caliph from among themselves. The fourth caliph, ʿAli, was a member of the committee and was the next choice, so the elite chose him, and then after him his son al-Ḥasan was chosen and accepted. Al-Ḥasan decided to resolve the conflict with his opponent Muʿāwiya, so he stepped down and made him the legitimate caliph, which allowed the Umayyads to rule for 86 years. Muʿāwiya, however, appointed his son Yazīd to be the crown caliph, thus starting a hereditary system within Islam. At any rate, the authority of the above-mentioned rulers was established by the people's acceptance and support.

Giving people the right to choose in matters which do not oppose the Divine Injunctions, such as the right to choose their government, has many references in Islam. It is based on a type of ruling linked to lot-casting which is permissible and mentioned in the Holy Quran and practiced by the Prophet (PBUH). Ibn al-Qayyim dedicated a chapter in his book *al-Ṭuruq al-ḥukmiyya fī al-siyāsa al-sharʿiyya* to the discussion of lot-casting, bringing its various applications within Shariah rulings and providing arguments from the Holy Quran and the Prophetic Tradition in support of it. Amongst them are the words of God, ﴿*When they cast lots with arrows, as to which of them should be charged with the care of Mary*.﴾ (3:44) And His words regarding Prophet Jonah (PBUH), ﴿*He (agreed to) cast lots, and he was condemned*.﴾ (37:141) Likewise the narrations, "If people knew what reward there was in the call to prayer and in the first row and had no choice but to cast lots with arrows (as to which one would be in the first row) they would have cast lots; [23] and "whenever the Prophet (PBUH) wanted to travel he cast lots between his wives (to decide which one to travel with him)."[24] Al-Bukhārī said, "It is mentioned that a group of people disagreed regarding who should make the call to prayer, so Saʿd cast lots between them." [25]

Notes

[1] Imam Aḥmad, *al-Musnad*, (vol. 4 p. 33).

[2] Recorded by al-Bukhārī and Muslim on the authority of Ibn ʿUmar.

[3] Ibn ʿAbd al-Barr, *al-Tamhīd li mā fī al-Muwaṭṭa min al-Maʿānī wa al-Asānīd* (vol. 17 p. 21).

[4] *Al-Mufhim Sharḥ Ṣaḥīḥ Muslim (*vol. 3 p. 111).

[5] Ibn ʿĀbidīn's sub-commentary entitled *Radd al-Muḥtār*, section "Jihad," chapter "The Apostate." He quoted the text from Ibn Nujaym's *al-Baḥr al-Rāʾiq Sharḥ Kanz al-Daqāʾiq*. I summarized his words what is relevant to the subject.

[6] Ibn Taymiyya, *Minhāj al-Sunnah* (vol. 5 p. 251).

[7] "[A] person who ignorantly practices any major shirk or totally abandons practice of the religion's other four pillars (prayer, zakah, siyam, and hajj) can never be considered Muslim." *DABIQ* (issue 7, p. 23 fn. 6)

[8] "[M]any of those who say "La ilaha illallah" have fallen into different shades of shirk at all levels, including shirk in tawassul and du'a', shirk in obedience, ruling and legislation, and shirk in love, support and allegiance." *DABIQ* (issue 2, p. 10)

[9] "In addition to that, he tried to force every apostate group present in Iraq into an all-out war with Ahl us-Sunnah. So he targeted the Iraqi apostate forces (army, police, and intelligence), the Rafidah (Shia markets, temples, and militias), and the Kurdish secularists (Barzani and Talabani partisans). In his speech titled "Hadha Bayanullin-Nasi wa li Yundharu Bih" (This Is a Declaration for the People That They May Be Warned by It), he threatened war on any Sunni tribe, party, or assembly that would support the crusaders. Then when some so-called 'Islamists' entered into the democratic political process—ignoring what it entails of clear-cut major shirk (idolatry)—he officially declared war on them in his speech titled 'Wa li Tastabina Sabilul-Mujrimin' (And Thus the Way of the Criminals Becomes Evident." *DABIQ* (issue 1, p. 37).

[10] "The Islamic State – on account of what God has blessed it with of victory, consolidation and establishing the religion – is regarded as an unquestionable imamah. As such, anyone who rebels against its authority inside its territory is considered a renegade, and it is permissible to fight him after establishing the hujjah against him (i.e., clarifying his error to him with proof)." *DABIQ* (issue 1, p. 27).

[11] *DABIQ* (issue 12, p. 30).

[12] Quoted by Imam al-Bukhārī in the *Ṣaḥīḥ*, in the section "Asking Apostates and Rebels to Repent and Fighting Them," in the chapter entitled "Killing the *Khawārij* and Heretics After Establishing Proof Against Them." (vol. 4 p. 197) Al-Ḥāfiẓ Ibn Ḥajar al-ʿAsqalānī, in *Fatḥ al-Bārī* (vol. 12 p. 286), attributed it to Abū Jaʿfar al-Ṭabarī in *Musnad ʿAlī* in his book *Tahdhīb al-Āthār*, where he said, "Its chain is sound." Al-Ḥāfiẓ also mentioned it in *Taghlīq al-Taʿlīq* (vol. 5 p. 259) and presented al-

Ṭabarī's chain, saying, "Abū Jaʿfar al-Ṭabarī in the book *Tahdhīb al-Āthār*: Yūnus narrated that Ibn Wahb narrated that ʿAmr b. al-Ḥārith narrated that Bukayr narrated that he asked Nāfiʿ regarding the Ḥarūriyya, who said, 'He opines that they are the worst of God's creation.' Then he said, 'And the likes of this is mentioned by Ibn ʿAbd al-Barr in *al-Istidhkār* that Ibn Wahb narrated it in his *Jāmiʿ* explaining that Bukayr is Ibn ʿAbd Allāh al-Ashajj and its chain is sound.'" It is in *Al-Istidhkār* (vol. 8 p. 90 §10576).

[13] Asharq Al-Awsat, issue 13319, 29 Rajab 1436 AH.

[14] https://www.washingtonpost.com/world/middle_east/al-qaeda-disavows-any-ties-with-radical-islamist-isis-group-in-syria-iraq/2014/02/03/2c9afc3a-8cef-11e3-98ab-fe5228217bd1_story.html (last accessed November 30, 2015). See also http://www.cnn.com/2014/11/21/world/meast/al-qaeda-yemen-isis/ (last accessed November 30, 2015).

[15] *DABIQ* (issue 1, p. 24).

[16] See https://youtu.be/fgzpxqAYKec (last accessed November 30, 2015).

[17] Al-Qurṭubī, *Al-Jāmiʿ li Aḥkām al-Qurʾān* (vol. 6 p. 190).

[18] On the authority of Al-Barāʾ b. ʿĀzib, recorded by Muslim, Abū Dāwūd, Imam Aḥmad, al-Bayhaqī, and others.

[19] *Al-Mufhim Sharḥ Ṣaḥīḥ Muslim* (vol. 5 pp. 117–118).

[20] Ibn Taymiyya, *al-Fatāwa al-Kubrā* (vol. 7 p. 254).

[21] Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt fi Uṣūl al-Sharīʿa (*vol. 4 p. 39).

[22] Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād* (vol. 10 p. 183).

[22] Agreed upon (by al-Bukhārī and Muslim) from the hadith of Abū Hurayra.

[24] Agreed upon (by al-Bukhārī and Muslim) from the hadith of ʿĀʾisha.

[25] Ibn Qayyim, *al-Ṭuruq al-ḥukmiyya fī al-siyāsa al-sharʿiyya* (pp. 246–247).

CHAPTER V

Are ISIS' followers Muslims?

After having looked at ISIS' deviant ideology and their wicked actions, we need to determine whether they are still Muslims or outside the fold of Islam. In order to determine this, and since we consider ISIS *Khawārij*, we must look at what the scholars of the past have already said about Khawārij and whether or not they are considered Muslims.

The opinion of the majority of Islamic jurists regarding the infamous *Khawārij* sect is that they are Muslims; they did not deem them unbelievers, although they considered it obligatory to fight against them and stop their transgression. Abū Bakr al-Ājurrī (d. 360 AH) said:

> None of the scholars, in either past or recent times, ever disagreed that the *Khawārij* are an evil group, disobedient to God Almighty and to His Messenger (PBUH). Even if they pray, fast, or strive in worship, it does not benefit them; and even if they openly enjoin good and forbid evil, it does not benefit them, as they are a people who interpret the Quran according to their desire.[1]

The general tendency amongst Islamic jurists was to consider them deviators, misguided, and disobedient to Almighty God and His Messenger (PBUH), but not outside the fold of Islam. This explains why most contemporary Sunni scholars have hesitated to condemn ISIS followers as unbelievers—although there are enough reasons to do so.

I was raised amongst scholars who would not rush to excommunicate a Muslim, but would rather try to find any excuse for his words. I constantly repeat to my students my father's statement, "To accept a thousand persons' claims of being Muslim with the slightest evidence, even when there is doubt, is dearer to us than to expel a single man from the fold

of Islam with an element of doubt concerning his belief..” This means that doubt in the proof and difference of opinion is always used in favor of people.

However, a number of distinguished jurists of the past and in recent times have openly declared that the *Khawārij* are not Muslims. They were unwavering in their opinion and backed it with many proofs from the words of the Prophet (PBUH) in which he described the *Khawārij*. We have already pointed out some of these statements in chapter two.

When looking deeply at ISIS’ ideology and practices, we find the following two strong reasons that allow us to declare them non-Muslims without hesitation: first, the level of extremism they have reached in their beliefs, to the point that they declare all Muslims who oppose them as unbelievers, and second, their persistence in shedding the blood of innocent Muslims, believing it is allowed to kill, which means making lawful that which is unlawful.

One may argue that their ideology is supported by sacred texts and that their actions are backed up by ostensibly valid proofs and that they are therefore not rebelling against God but rather taking revenge against people who rebelled against Him or suspended His divine injunctions. In answer to this argument we say that in the Islamic tradition we have criteria for determining when a difference of opinion is valid or invalid and standards for evaluating various levels of understanding or misunderstanding of the sacred texts. In the case of ISIS we find that they, like the *Khawārij* who preceded them, went to extremes in their misinterpretation of the sacred texts and their opposition to the consensus of Muslim jurists, to the point that they left no room for reconciliation with the rest of the 1.6 billion Muslims and the thousands of scholars around the world.

Imam al-Bukhārī accepted the narrations of moderate *Khawārij* who did not fight, but he was tough in his classification of those who carried arms and chose violence. He alluded to them being unbelievers when, in his *Ṣaḥīḥ* collection, associated them with heretics in the title of the chapter, “Fighting the *Khawārij* and the Heretics After Establishing Proof Against them.”

The distinguished Imam Abū Bakr Ibn al-ʿArabi explicitly adopted the opinion that the *Khawārij* are not Muslims. He said:

> The correct opinion is that they are unbelievers due to the words of the Prophet (PBUH), “They shall pass out of the religion,” and his words, “I shall truly kill them as the people of ʿĀd were killed.” In another narration, the nation Thamūd is mentioned. Both ʿĀd and Thamūd perished due to their unbelief. Likewise, his words, “They are the worst of creation”; no one is described with this except unbelievers, and his words, “Truly they are the most hated of creation by Almighty God.” Furthermore, due to their passing the judgment of unbelief on all who oppose them and declaring their eternal damnation in Hell, they (*Khawārij*) are far more deserving of this category than the ones they accused.[2]

Imam al-Qurṭubī al-Mālikī inclined to this opinion, as he said when commenting on the Prophetic saying, “They shall pass out of the religion...”:

> The meaning of this simile is that this group has left the religion of Islam and is not attached to it. Hence, our scholars have clung to the apparent meaning of this simile in declaring them unbelievers. Many scholars hesitated to declare them unbelievers because of his (PBUH) words, “there is quarrelling regarding the notch of the arrow,” implying doubt regarding them. However, it seems that the first opinion—the opinion that they are already unbelievers—is more evident from the hadith.[3]

Al-Shawkānī said, “Al-Ghazālī said in *al-Wasīṭ*, ‘There are two opinions regarding the *Khawārij*: the first is that the ruling of apostates applies to them and the second is that the ruling of transgressors applies to them. Al-Rāfiʿī (who is a reliable authority in the Shāfiʿī school) gave preference to the first.’” [4]

Shaykh ʿAbd al-ʿAzīz Ibn Bāz, the former Mufti of the Kingdom of Saudi Arabia, issued a fatwa in which he stated that the *Khawārij* are unbelievers, saying, “The majority are of the opinion that they are disobedient and misguided innovators, though they do not deem them unbelievers. However, the correct opinion is that they are unbelievers.” [5]

It is imperative that no one be deceived by any acts of worship towards God which these criminals perform, such as prayers or fasting. Our Prophet (PBUH) unveiled their reality and said, as narrated by al-Bukhārī, "You shall belittle your prayer and fasting in comparison to their prayer and fasting…"[6] He continued, "they shall pass out of the religion just as an arrow passes through the prey." This hadith, and several others that reveal the description of *Khawārij*, apply to ISIS and were already discussed in chapter two.

ISIS claims to support Islam and calls Muslims around the world to jihad in the way of God and to the implementation of the Shariah, but their claims are refuted by their actions: they cause the worst damage to Muslims and the worst distortion to Islam; they perform "jihad" by killing Muslims in Syria and Iraq, or by killing innocent civilians in malls, theaters, restaurants, and mosques. How can they claim to implement the Shariah when they are ignorant of it? Supporting Islam can never be achieved through excommunication of the Muslim nation, nor by betraying non-Muslim citizens and enslaving them. ISIS' leaders are people of unbelief and misguidance, and Muslims should not be lured by their jihad or deceived by their propaganda, as their actions speak louder than their words.

A DETAILED DESCRIPTION OF ISIS PREDICTED 14 CENTURIES AGO

The following statement has an interesting description of ISIS' main features. It is a narration from ʿAli b. Abī Ṭālib, the cousin and son-in-law of the Prophet Muhammad (PBUH). The hadith is classified as *mawqūf*, which means it is not the words of the Prophet (PBUH) but rather of one of his Companions, in this case, ʿAlī. He said:

> When you see black flags, stay where you are, and do not move your hand or legs. Then, a group of people shall emerge; they are weak, insignificant, and their hearts are like pieces of iron. They are people of the State. They never fulfill any pact or contract. They call to the truth though they do not belong to it. Their names shall be agnomens and their ascriptions will be after

villages. Their hair shall be left down like the hair of women. [They will emerge] until they begin to quarrel amongst themselves. Then God will give the truth to whomever He wills. [7]

We can see how precise this hadith is in the description of ISIS' followers and how it applies to them.

1. The black flags, which first appeared with al-Qaida and were later used by ISIS.

2. They are weak and insignificant and their hearts are like pieces of iron.

3. Regarding the "people of the State," the Arabic word used in the hadith is *al-Dawla*, which is the actual name of the ISIS state in Arabic and was not used before them.

4. They never fulfill any pact or contract. This has become a noted quality of ISIS in Syria and Iraq, whether the contracts are new with other military groups in Syria or old with other countries around the world, with which Muslims signed several types of treaties. Betrayal is a quality of the hypocrites rebuked by Almighty God and by His Final Messenger (PBUH). God says, ﴿*God loveth not the treacherous*﴾ (8:5); and ﴿*Fulfill (every) engagement, for (every) engagement will be inquired into (on the Day of Reckoning.*﴾ (17:34) And the Prophet Muhammad (PBUH) said, "On the Day of Judgment, a banner shall be raised for every traitor, saying 'This is the treachery of so-and-so.'" [8]

5. They call to the truth though they do not belong to it. This is another statement that shows how far they are from Islam and the gap between their words and their actions.

6. Their names shall be agnomens, such as Abū Bakr, Abū Muṣʿab, Abū ʿUmar, etc. They never use real names such as Aḥmad, Muḥammad, ʿUmar.

7. Their ascriptions will be after villages, such as al-Baghdādī after Bagdad, al-Shīshānī after Chechnya, al-Zarqāwī, after Zarqa in Jordan, etc.

8. Their hair shall be left down like the hair of women. This is another feature of ISIS fighters which further confirms their description.

9. They begin to quarrel amongst themselves. This is another prediction in the hadith which I believe will be crucial to their defeat. The *Khawārij* sect of the first century AH did not stay united for long; schisms among themselves led to their defeat. I believe, based on this statement, that a schism will appear between them that will lead to their defeat. This is natural, as they started as a splinter group from al-Qaida.

This hadith became widespread shortly after the emergence of ISIS and was used repeatedly as evidence against them. However it was quickly criticized for being a weak narration. Yet the weakness in its chain of narration has no bearing on the validity of using it as evidence. This is based on the science of hadith terminology, and its acceptance can be argued for the following reasons:

1. Weakness in a chain does not necessitate weakness in the text.[9]

2. A *mawqūf* hadith which stops at a companion has the same strength as a Prophetic hadith if its subject is eschatology or matters of the unseen.[10]

3. A weak hadith may be a valid proof in areas other than theology and jurisprudence, such as supererogatory actions, virtues, biographies, and history.[11]

4. The occurrence of a report in the way it was mentioned is evidence for it being true. [12] In this instance, it is one of the miracles of the Prophet Muhammad (PBUH).

Notes

[1] Al-Ājurri, *Kitāb al-Sharīʿa* (vol. 1 p. 325).

[2] Al-Qāḍī Abū Bakr Ibn al-ʿArabī, *Tuḥfat al-Aḥwadhī Sharḥ Sunan al-Tirmidhī*, (vol. 9 p. 38).

[3] Al-Qurṭubī, *al-Mufhim limā Ashkala min Talkhīṣ Kitāb Muslim* (vol. 3 p. 110).

[4] Al-Shawkānī, *Nayl al-Awṭār*, chapter: "Fighting the *Khawārij* and the People of Injustice." Al-Rāfiʿī is from the Shāfiʿī school of jurisprudence. His name is ʿAbd al-Karīm b. Muḥammad al-Rāfiʿī al-Qazwīnī (d. 623 AH). He has authored several works including *Fatḥ al-ʿAzīz fī sharḥ al-Wajīz li al-Ghazālī*. Ibn Ḥajar al-Haytamī said, "Nothing like it was authored in the Shāfiʿī school."

[5] Shaykh ʿAbd al-ʿAzīz Ibn Bāz, *Man Hum al-Khawārij*, http://www.binbaz.org.sa/node/20688, (last accessed November 30, 2015).

[6] Another narration has the addition, "and your good deeds with their good deeds." This was recorded by al-Bukhārī in his *Sahih*, section "Virtues," chapter "Signs of Prophethood," (vol. 4 p. 200); section "Virtues of the Quran," chapter "Whoever Acts Ostentatiously by Reciting the Quran" (vol. 6 p. 197); section "Asking Apostates and Rebels to Repent and Fighting Them," chapter "Killing the *Khawārij* and Heretics After Establishing Proof Against Them" (vol. 9 p. 16) and chapter "Whoever Neglects Fighting the *Khawārij* to Remain United and so That People Don't Flee from Him" (vol. 9 p. 17). It is also recorded by Muslim, section on "Zakat," chapter "Recounting the *Khawārij* and Their Qualities" (vol. 3 p. 114).

[7] Narrated by Nuʿaym b. Hammād in his book *al-Fitan* (§375).

[8] Recorded by al-Bukhārī and Muslim.

[9] Al-Zarkashī said, "The weakness of a hadith's chain of transmission does not entail that the hadith itself is weak, as it may have another authentic chain. It may also be supported by another weak chain, together reaching the level of 'good' (*ḥasan*)." See *al-Nukat ʿalā Ibn Ṣalāḥ*.

[10] Ibn Ḥajar al-ʿAsqalānī said in *Nuzhat al-Naẓr sharḥ Nukhbat al-Fikr*, (pp. 74–75, "The example of the *marfūʿ* narration in legal status is the saying of a companion in which there is no room for reasoning and no connection to the clarification of a word of the explanation of an ambiguous expression. This is like narrating news of the past, such as the beginning of creation, or accounts of the prophets, or news of the future like the Day of Resurrection, and events that will take place at the end of time…"

[11] Al-ʿIrāqī said in his book *al-Tabṣira wa al-Tadhkira*, which in his commentary on his thousand-line poem on the methodology of hadith (vol. 1 p. 291), "As for all other than fabricated narrations,

scholars permitted leniency in relating them without revealing their weakness if they are not related to law and theology but rather on subjects such as preaching, stories, virtuous actions and the likes thereof, and in encouragement of warning."

[12] Al-Zarkashī said in *al-Baḥr al-Muḥīṭ* (vol. 4 p. 229), "Know that the truth or falsity of a report in itself is unknown, and can only be known through an evidence linked to it. The popular view in the absence of evidence is that the truth of a report is [established] when it confirms reality [actual events], whether or not it coincides with a belief, whereas the falsity [of a report] is [established] when it does not confirm to reality."

CHAPTER VI

Fighting ISIS is a Religious Duty

THE OBLIGATION TO OFFER ISIS ADVICE BEFORE FIGHTING THEM

It is well established in Islamic Law that it is impermissible to fight the *Khawārij* before offering them advice, clarifying their errors, and presenting them with enough proofs to erase any doubts from their minds.

Jurists have stipulated two conditions for allowing Muslims to start a war against *Khawārij*:

1. *Advice has been given to them and the truth has been clarified*.

This is what ʿAlī did with the *Khawārij* of his time when he sent ʿAbdullāh Ibn ʿAbbās to debate with them and clarify matters for them. Four thousand individuals repented and returned with him.[1] Additionally, al-Bukhārī included a chapter in the section "Asking Apostates and Rebels to Repent and Fighting Them," entitled "Fighting the *Khawārij* After Presenting Them With Arguments." [2] Ibn Baṭṭāl said in his commentary on *Ṣaḥīḥ al-Bukhārī*, "It means that fighting a Kharijite or others is not obligatory except after calling him to the truth and explaining what is unclear for him so that no excuse is left. If he then refuses to turn back to the truth, fighting him becomes obligatory. The evidence for this is in the words of God Almighty, ﴿*And God will not mislead a people after He hath guided them, until after He made clear to them what to fear*.﴾ (9:115) We must adhere to the example that God Almighty has

set forth regarding the people we have to fight, by clarifying the truth to them and calling them to it.” [3]

2. *They have transgressed and killed*.

As long as they remain peaceful and do not expose anyone to harm they are to be left as they are. However, when they unlawfully spill blood or take to brigandage, fighting them becomes obligatory for the leader.

Imam Aḥmad relates a saying of ʿAbdullāh b. Shaddād regarding ʿAlī and the *Khawārij*, “The contract between us and you is that you shall not spill blood unlawfully, take to brigandage, or oppress non-Muslim citizens. Indeed, if you do that, then we shall declare war against you accordingly. Verily God loves not the treacherous.” ʿĀʾisha then said, “O Ibn Shaddād, he killed them!” He responded, “By God, he did not send an army to [fight] them until they took to brigandage, spilled blood, and deemed killing non-Muslim citizens permissible.” [4]

Look at his words, “until they … deemed killing non-Muslim citizens permissible” to understand the obligation upon Muslims to protect non-Muslims who live with them when some Muslims transgress against them.

Abū ʿUbayd al-Qāsim Ibn Sallām related on the authority of Abū Mijlaz that “ʿAlī forbade his companions from stretching out their hands [in fighting] the *Khawārij* until they committed a [grave] crime.” [5]

In our letter to the ISIS leader, I and other Muslim scholars cautioned them, elucidated their errors, directed them to that which is right, and warned them of their gross misrepresentation of the truth—but they did not take heed.[6] For this reason, after they have received advice and clarification, and after they have spilled innocent blood, and because of their ongoing transgression, fighting them has become a religious obligation.

THE DIVINE COMMAND TO FIGHT TRANSGRESSORS

God Almighty says in the Holy Quran, ﴿*Hence, if two groups of believers fall to fighting, reconcile them; but then, if one of the two groups transgresses against the other, fight against the one that transgressed until*

it reverts to the commandment of God; and if it does, reconcile them again with justice, and deal fairly with them: for verily, God loves those who act fairly! ﴾ (49:9)

THE PROPHET'S COMMAND TO FIGHT *KHAWĀRIJ*

The Prophet (PBUH) commanded fighting the *Khawārij* without hesitation in order to eradicate the fear and oppression that spreads throughout society at their hands. He said in a narration transmitted by al-Bukhārī and Muslim, "If I encounter them I shall truly kill them like ʿĀd was killed."[7] He also commanded to pursue and kill them, as related in the two *Ṣaḥīḥ* collections from the narration of ʿAlī, "Wherever you encounter them, kill them, for truly in killing them is a reward on the Day of Judgment for whoever does so." [8]

The Prophet (PBUH) expounded upon the reward for the one who kills them and the reward for those killed by them, and informed us of their emergence and rebellion in numerous eras, as he (PBUH) said, narrated by Imam Aḥmad, "When they emerge, kill them, then when they emerge again, kill them, then when they emerge again, kill them. Glad tidings to whoever kills them and whomever they kill." [9] Al-Nawawī said, "this is an explicit declaration about the obligation to fight the *Khawārij* and the transgressors; there is a consensus amongst the scholars about it." [10]

JURISTS' FATWAS ON THE OBLIGATION TO FIGHT THE *KHAWĀRIJ*

In light of the above-mentioned proofs from the Holy Quran and Prophetic traditions, Muslim scholars in the past and in recent times have issued fatwas and passed judgments on the obligation of fighting the *Khawārij*. Ibn Taymiyya said, "Muslims scholars, the predecessors, as well as later generations, all agreed about fighting them." [11] Ibn Hubayra (d. 560 AH), a famous scholar of the Ḥanbalī school of law, went further and considered the *Khawārij* more dangerous than the polytheists, and said that fighting them is therefore more important. He said, "Indeed fighting the *Khawārij* is

more necessary than fighting the polytheists, for in fighting them there is preservation of the core of Islam.” [12]

OUR FATWA ON THE OBLIGATION TO FIGHT ISIS

For this reason, I issue here the fatwa that fighting the group known as ISIS is a *communal obligation* (*farḍ kifāya*) upon Muslims. This group must be fought in order to protect the core of the religion, defend Muslim lands, protect the blood of the innocent, and let the truth prevail. It is not permissible to neglect fighting ISIS. Whoever neglects fighting ISIS, from among those upon whom fighting is mandatory, is in a state of sin. If Muslims do not stand to repel the evil of this treacherous faction they will all be sinful. Furthermore, the burden of guilt on the rulers is heavier, as jihad can only be conducted under the command of a legitimate ruler.

Any Muslim who embarks on war against ISIS is truly a *mujāhid* striving in the way of Almighty God, obedient to Him, establishing an obligation of the religion, and acting on behalf of all Muslims. Whoever is killed in this war at the hands of ISIS is not simply a martyr, but rather amongst the best of martyrs, just as the Prophet (PBUH) mentioned.[13]

A CALL TO THE FOLLOWERS OF ISIS TO REPENT

Along with this fatwa on the obligation of fighting ISIS, I make an appeal to their followers—men and women—calling upon them to retreat and defect and to repent to Almighty God and return to their roots, Sunni Islam.

I warn Muslim youth across the world from joining ISIS, as it is impermissible and a major sin that could easily, if they adopt ISIS’ ideology and get involved with their crimes, bring them out of the fold of Islam. It is forbidden to waste their youth, their energy, and time in a war that is harming Muslims, distorting Islam, chasing people away from it, and provoking hatred and extremism against Muslims. My young Muslim brothers, if you want to serve Islam then you must study its disciplines at the hands of the right scholars and then engage in teaching people and presenting its light, guidance, wisdom, and mercy to mankind. That is the best way to support the religion of God. It is narrated that our Holy Prophet

(PBUH) said to ʿAlī, “For God to guide a single man through you is better for you than having all over which the sun rises”[14] –in other words, all the wealth in the world.

I therefore say to all who have been deceived by ISIS’ propaganda and fallacies: renew your faith, repent to God Almighty, and return to the middle way of Islam.

Notes

[1] The hadith of Ibn ʿAbbās debating with the *Khawārij* is recorded by al-Ḥākim in *al-Mustadrak* (vol. 2 pp. 189–190 §2656), in which it says, “so two thousand of them returned.” Al-Dhahabī agreed that it is authentic.

[2] Al-Bukhārī, *Ṣaḥīḥ* (vol. 9 p. 16).

[3] Ibn Baṭṭāl, *Sharḥ Ṣaḥīḥ al-Bukhārī* (vol. 8 p. 590).

[4] A portion of a long hadith recorded by Imam Aḥmad in his *Musnad* (vol. 1 p. 87) and Abū Yaʿlā al-Mawṣilī in his *Musnad* (vol. 1 p. 369 §474). He said, “Its narrators are trustworthy.”

[5] Abū ʿUbayd al-Qāsim Ibn Sallām, *Kitāb al-Amwāl* (pp. 254–255).

[6] Open Letter to al-Baghdadi, http://www.lettertobaghdadi.com/ar/ (last accessed November 30, 2015).

[7] Recorded by al-Bukhārī in his *Ṣaḥīḥ* from Ibn ʿAbbās, in the section on the Prophets, chapter: “The Words of God Almighty ﴿*And as for ʿĀd, they were destroyed by a furious wind, exceedingly violent*﴾ (vol. 4 p. 137); and in the section of Expeditions, in the chapter entitled, “Sending ʿAlī b. Abī Ṭālib and Khālid b. al-Walīd to Yemen before the Farewell Pilgrimage” (vol. 5 p. 162) with the words “as Thamūd was killed”; and in the section on Divine Oneness, in the chapter, “The Words of God Almighty ﴿*The angels and the spirit ascend unto him*﴾ (vol. 9 p. 127); and documented by Muslim in his *Ṣaḥīḥ*, in the section of *Zakāt*, in the chapter entitled, “Recounting the *Khawārij*” (vol. 3 p. 110).

[8] Recorded by al-Bukhārī (vol. 6 p. 197, vol. 9 p. 16), and by Muslim (vol. 3 p. 114) see cf 14 in chapter two.

[9] Imam Aḥmad, *al-Musnad* (vol. 2 p. 84).

[10] An-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, (vol. 7 pp. 169–170).

[11] Ibn Taymiyya, *al-Fatāwā al-Kubrā* (vol. 3 p. 536).

[12] Ibn Hubayra, *al-Ifṣāḥ ʿan Maʿānī al-Ṣiḥāḥ*, (vol. 1 p. 280).

[13] Narrated in the hadith of Abū Umāma, “The best martyr is the one whom they kill,” also recorded by al-Ḥākim in *al-Mustadrak* (vol. 2 p. 188 §2654).

[14] Agreed upon by al-Bukhārī and Muslim from Sahl b. Saʿd with the wording, “better for you than red camels.” Al-Ḥakīm al-Tirmidhī and al-Ṭabarānī narrated from Abū Rāfiʿ, “For God to guide a man at your hands is better than all over which the sun rises and sets.” Al-Suyūṭī declared it sound in *al-Jāmiʿ al-Ṣaghīr*.

CHAPTER VII

e Oath of Allegiance to al-Baghdādī is Void

God Almighty describes the believers as ﴿*those whose rule is done by consultation amongst themselves*﴾ (42:38), referring to government, supreme authority, the grand Caliphate, and the election of a legitimate ruler. Al-Bukhārī narrates in his *Ṣaḥīḥ* collection that ʿUmar said, "Whoever swears allegiance to a man (appointing him as a ruler) without consulting Muslims, neither he nor the man he gave allegiance to are to be supported, for fear they both be killed." [1]

Ibn al-Athīr (d. 606 AH) said, "The hadith means that the oath of allegiance (to a potential ruler) should be in its proper manner, decided upon through consultation and agreement; so if two men proceed independently from the community and one gives the oath of allegiance to the other, then that is an agreement between them to cause schism and reject the majority." [2]

The Caliphate is a public affair linked to the entire Muslim community and cannot be settled by a few juveniles, nor can villains engage in discussing it. Dignitaries who exert authority within the Muslim community are the ones who have the sole right to make a choice. That is because the purpose of appointing a ruler is to prevent conflict and establish law and order, so if those of power in the country do not agree on him, he cannot be legally recognized as a ruler, even if a few individuals in that country have accepted him.

Therefore, giving allegiance to the leader of ISIS, known as Abū Bakr al-Baghdādī, is impermissible from the start, and if already done, it is void and the oath bears no legal consequences to the person who swore allegiance to him, and such a person can get out of it at any time. This is

because the local Muslim dignitaries in Syria or Iraq did not participate in choosing him or appointing him, nor were they consulted. Such dignitaries are political leaders, top military officers, tribal sheikhs, religious leaders, and other influential people in the country.

By accepting the appointment as a caliph, this villain al-Baghdādī split from the Muslim community, which is a serious breach of one's commitment to Islam. Abū Dharr narrated that the Messenger of God (PBUH) said, "Whoever dissents even a hand span from the majority (of the Muslim community) has removed the rein of Islam from his neck."[3] This means he left Islam.

Arfaja narrated that the Messenger of God (PBUH) said, "There will be defects in my community. So whoever intends to divide the Muslims when they are united, strike him down with a sword, whoever he may be." [4]

In *Ṣaḥīḥ Muslim*, Abū Hurayra narrated that the Messenger of God (PBUH) said, "Whoever rejects obedience, dissents from the majority and dies, he will have died as the people of the pre-Islamic time died (namely as an unbeliever). Whoever fights under a blind banner (where right from wrong is unknown), or out of fanaticism or support for a fanatical group and is killed, he will have died as the people of the pre-Islamic time died. Whoever revolts against my community (his community refers to Muslims till the end of time), striking the righteous and unrighteous, not sparing the believers, not fulfilling any pact (with non-Muslims), he is not from me and I am not from him." [5]

It is evident that al-Baghdādī, despite the many attempts to polish his image and present himself as caliph, is far from being qualified for this weighty position. Testimony against him stating his deviance and incompetence comes from none other than one of his teachers, Abū ʿAbdillāh Muḥammad al-Manṣūr (al-ʿĪsāwī), the commander of what is called "The Mujāhidīn Army in Iraq," and one of the top leaders of the Salafi-Jihadi movement. I quote him as a further proof against al-Baghdādī because al-Baghdādī was his student and gave him allegiance and subsequently defected to form his own group. Al-Manṣūr authored a book refuting the falsehoods of ISIS, entitled "The Islamic State between Reality and Illusion," and in it he described this self-proclaimed caliph as being "villainous, ignorant, and deviant." He also said, "He did not master one single reliable book in theology or jurisprudence." This tells us that even to a jihadi leader, al-Baghdādī's extremism and ignorance is beyond the pale.

The list of the of Salafi-Jihadi figures who oppose ISIS and see its leader as unqualified for the position he is claiming is long. Several of them openly declare that ISIS does not operate according to Islamic law. They attack ISIS and its leadership and oppose its systematic policy of excommunication, murder, and brutality.[6]

In addition, there are numerous examples of Al-Baghdādī's own followers who defected and abandoned him, and subsequently disparaged him and rejected his claim to the caliphate.

Those who already gave allegiance to al-Baghdādī are neither required to uphold the oath nor obey him nor any of his commanders. Maintaining allegiance to him is a major sin and a cause of schism in the community.

I call on the brigades in Syria who have given allegiance to ISIS to defect, as it is impermissible to assist these misguided criminals in killing the innocent and distorting the image of Islam. Defecting from ISIS is indeed a religious obligation. It is not treacherous to abandon al-Baghdādī, but rather the real treachery is swearing allegiance to the leader of a group that kills Muslims and deems their masses to be unbelievers.

It is obligatory upon everyone who can flee and save himself to do so immediately, lest he become responsible in this life and on the Day of Judgment for innocent blood spilled.

Notes

[1] Recorded by al-Bukhārī in the *Ṣaḥīḥ*, in the section "Islamic *Hadd* Penalties," (vol. 8 p. 169).

[2] Ibn al-Athīr, *al-Nihāya fi Gharīb al-Ḥadīth wa al-Āthār* (vol. 3 p. 156). He said, "The word '*taghirra*' is an infinitve, meaning to trap someone into danger.

[3] Recorded by Abū Dāwūd in the section "The Prophetic Tradition," under chapter "Killing the *Khawārij*" (vol. 4 p. 333 §4758). Al-Nabahānī attributed it in *Fatḥ al-Kabīr* (vol. 3 pp.214–215) to Imam Aḥmad in *al-Musnad* and al-Ḥākim in *al-Mustadrak*.

[4] Recorded by Muslim in his *Ṣaḥīḥ*, in the section "Leadership," under the chapter "Ruling on the One Who Divides the Affair of the Muslims While They Are United" (vol. 6 pp. 22–23); and by Abū Dāwūd in *al-Sunan*, section "The Prophetic Tradition," chapter "Killing the *Khawārij*" (vol. 4 p. 334) (we quoted his wording); and by al-Nasāʾī in *al-Mujtabā*, section "The Impermissibility of Spilling Blood," chapter "Killing the One Who Splits the Community" (§0893)

[5] Recorded by Muslim in his *Ṣaḥīḥ*, section "Leadership," chapter "Ruling on the One Who Divides the Affair of the Muslims While They Are United" (vol. 6 p. 21).

[6] http://www.longwarjournal.org/archives/2014/05/jailed_jihadist_ideo.php (last accessed November 30, 2015)

CHAPTER VIII

Seeking Assistance from Non-Muslims

One of the fundamental principles by which ISIS excommunicates Muslim rulers and the Muslim population at large is their belief that seeking assistance from non-Muslims against Muslims takes one outside of the fold of Islam. This is based on their interpretation that this action means agreeing with the beliefs of non-Muslims.

This is a gross error in perception that has resulted in an error in judgment, and it must be explained. Seeking help from non-Muslims is an issue of jurisprudence, not theology. In other words, it is discussed under Islamic law, which tells us whether it is permitted or not; it does not affect one's beliefs or status as a Muslim. It is not a theological issue and does not relate to the tenets of Islamic creed. Differing on an issue of Islamic law cannot be cause to label a person as an unbeliever or apostate. This thereby nullifies a key principle that ISIS uses to spill the blood of innocent Muslims.

The majority of jurists were of the opinion that it is permissible for Muslims, when fighting the *Khawārij*, to seek assistance from non-Muslims should they need their help. They can have non-Muslim fighters supporting them, or their weapons, or experience—with the condition of necessity, meaning if the Muslims are lacking in soldiers, weaponry, or expertise. Relying on such assistance is not considered supporting a non-Muslim against a Muslim, but rather it is supporting Islam, establishing the religion of God, and eradicating corruption from the Earth.

ISIS claims that such assistance is forbidden in Islamic law and, furthermore, *kufr*, meaning unbelief. To support its stance that it is forbidden to seek assistance from non-Muslims, ISIS uses the hadith of ʿĀʾisha recorded in *Ṣaḥīḥ Muslim*, in which the Prophet (PBUH) refused the help of a polytheist who offered to fight with the Muslims against non-

believers. The Messenger of God asked him, “Do you believe in God and His Messenger?” The man said, “No.” The Prophet (PBUH) then said, “Go back, for I shall not seek help from a polytheist.” [1] However, this hadith cannot be used as a proof, as it is understood in the context that either there was no need to seek the polytheist’s services, or the Prophet (PBUH) him turned him down in hope that he would embrace Islam, which he did, as is mentioned at the end of the hadith.

ISIS’ claim that it is forbidden to seek assistance from non-Muslims is crushed by other proofs as we read in the words of the great Shāfiʿī Imam al-Nawawī (d. 676 AH / 1277 CE), who said:

> It has been reported in another hadith that the Prophet (PBUH) sought help from Ṣafwān b. Umayya before Ṣafwān embraced Islam. A group of scholars acted upon the first narration, relying on its general statement, whereas Imam al-Shāfiʿī, amongst others, said that if the non-Muslims are friendly with Muslims and necessity calls for seeking their help, their help can be sought, and if these conditions are not met, it is disliked. He thus put the two hadith in effect based on the fulfillment of the conditions he provided (seeing no contradiction between them).[2]
>
> It should be noted here that the conditions Imam al-Shāfiʿī laid down for allowing Muslims to seek military aid from non-Muslims are two:
>
> 1. The unbelievers must have a good opinion of Muslims. This means that they would offer them real help and would not betray them.
>
> 2. There is need for their help when Muslim fighters or arms do not suffice.

In its arguments that seeking the assistance of non-Muslims nullifies one’s Islam, ISIS relies on the works of Muḥammad Ibn ʿAbd al-Wahhāb (d. 1206 AH / 1791 CE), the founder of the Saudi religious establishment. He wrote a short epistle under the title *Nawāqiḍ al-Islām*, or “The Nullifiers of Islam.” It is published as part of his *Kitāb al-Tawḥīd* (The Book of Divine Unity), of which millions of copies have been printed and distributed

around the world. Sunni Muslims scholars have rejected the book and the epistles included in it and produced over the past two centuries hundreds of books refuting it. Prominent amongst these scholars is Shaykh Sulaymān b. ʿAbd al-Wahhāb, the author's own brother, who refuted Ibn ʿAbd al-Wahhāb during his lifetime in a work that is published and available.

In his book, "The Nullifiers of Islam"[3] Ibn ʿAbd al-Wahhāb enumerates ten principles which, according to him, nullify Islam and turn a Muslim into an unbeliever. He says, "Eighth: Supporting and assisting the polytheists against the Muslims." It is this point that turned Usama Bin Laden against the Saudi Government in 1990 after the Gulf War, as up until 1989 he was still living in Saudi Arabia. Since Kuwait and Saudi Arabia needed the help of the US and the international community to liberate Kuwait, fatwas were issued by top Saudi scholars allowing it, re-interpreting the words of Ibn ʿAbd al-Wahhāb in his "Nullifiers of Islam." The Mufti of Saudi Arabia then, Shaykh ʿAbd al-ʿAzīz Ibn Bāz, argued that seeking assistance from non-Muslims is permitted and is different from supporting them in their beliefs, which would nullify Islam. He said in one of his several fatwas on this issue, explaining the difference between seeking assistance (*istiʿāna*) and agreement with non-Muslim beliefs (*muwālāt*):

> Some people think that seeking assistance from polytheists is considered an agreement with their beliefs, but it is not. Seeking assistance is one thing and agreement with their beliefs is another. When seeking assistance from al-Muṭʿim b. ʿAdī, ʿAbdullāh b. Urayqiṭ, or the Jews of Khaybar, the Prophet (PBUH) was not agreeing with the polytheists' beliefs nor giving them authority over Muslims. Rather, he did that out of need for them, to utilize them in matters that benefit Muslims and do not harm them. Likewise, his sending the emigrants from Mecca to Abyssinia was not agreement with the beliefs of the Christians but rather he did that in the interest of the Muslims, to prevent harm from befalling them. Therefore, it is incumbent on Muslims to distinguish between that which God distinguishes and utilize each proof in its proper place, and God is the Giver of success.[4]

Seeking assistance from non-Muslims today is important to strengthen the true vision of Islam that the Prophet (PBUH) was sent with and to eradicate the evil of this rebellious group which is trying to destroy Islam from within. Islam is truly a religion of mercy, wisdom, justice, tolerance, and peace. Muslims have been known throughout history for observing covenants, even when the covenants harmed them, and that was one of the most significant reasons for the spread of Islam.

The actions of ISIS are destructive, distorting the image of Islam, harming it, and chasing people away from it. In reality, ISIS is doing a great service to those who hate Islam, as they think this perversion is true Islam.

When we seek assistance from non-Muslims we do so to support Muslims across the world, from Indonesia to Morocco, and protect them, as ISIS has supporters in every country. If they were capable of doing so, they would commit the same heinous acts or worse in many other countries.[5]

Seeking assistance from non-Muslims is not equivalent to agreeing with their beliefs; rather, it is the exchanging of mutual benefits. They have an evident interest which does not contradict Islam, and that is to protect their lives and their lands from these extremists who revolted and opted for the most extreme form of violence, broke covenants, killed non-Muslim civilians, and incited people in countries with whom we have peaceful relations to act treacherously and violate their contracts. The Prophet (PBUH) said, in a narration recorded by al-Bukhārī and Muslim, "A banner shall be raised for every traitor on the Day of Judgment saying 'This is the treachery of so-and-so.'" [6]

Notes

[1] Recorded by Muslim in his *Ṣaḥīḥ*, section "Jihad and Wars," chapter "The Dislike of Seeking Assistance from a Non-Muslim in a Military Expedition" (vol. 5 p. 201), in which the hadith ends with, "He said, 'Then he returned and met him in the desert so he said what he said the first time, "Do you believe in God and His Messenger?" He said, "Yes." The Messenger of God said to him, "Then go."'"

[2] Al-Nawawī, *al-Minhāj Sharḥ Ṣaḥīḥ Muslim Ibn al-Hajjāj* (vol. 12 p. 199).

[3] Muḥammad b. ʿAbd al-Wahhāb, *Majmūʿat al-Tawḥīd al-Najdiyya* (pp. 271–274). You can also see the full text in English on the following link: https://www.wiziq.com/tutorial/140515-Explanation-of-

Nullifiers-in-Islam-Imam-Muhammed-ibn-Abdul-Wahab (last accessed November 30, 2015).

[4] Shaykh ʿAbd al-ʿAzīz Ibn Bāz, *Majmūʿ al-Fatāwā* (vol. 7 p. 364; vol. 18 p. 436; vol. 25 p. 373).

[5] http://www.cnn.com/2015/06/26/africa/tunisia-terror-attack/ (last accessed November 30, 2015). The attacks in November 2015 in Lebanon, Paris, and the Russian civilian aircraft in Sharm el-Sheikh, Egypt are proof of the danger of this group to the world and its policy of indiscriminate killing and targeting of civilians, women, and children.

[6] Recorded by al-Bukhārī his *Ṣaḥīḥ*, narrated by Ibn ʿUmar in section "Manners," chapter "What People Are Called by Their Fathers" (vol. 8 p. 41), and in other numerous places. Also recorded by Muslim in his *Ṣaḥīḥ*, section "Fighting and Marching," chapter "The Impermissibility of Treachery" (vol. 5 pp. 141–142).

CHAPTER IX

Legal Rulings Regarding Muslims in Western Countries

Muslims who live in non-Muslim lands are of two types: native citizens (whether born Muslims or converts) and immigrants. What we have to say about the legal status of these Muslims is applicable in whatever non-Muslim country they reside, irrespective of the country's religion or lack thereof. Whether in the USA or China, South Africa or Sweden, and whether the country is of Christian or atheist citizenry—Muslims in those lands all have the same legal obligations towards the countries in which they live, as well as their people and their governments.

Regarding the first type, the Muslim native citizens of non-Islamic countries, they are those who embraced Islam and have lived in their country of origin and have its citizenship. They did not migrate and they have no family or historical attachment to any Muslim country in particular. Many citizens in the USA and in Europe have chosen Islam. It is important that these new Muslims understand that becoming Muslim does not change their commitment to the constitution and law of their country. They must respect the constitution and all legislation; they must abstain from betrayal; protect the lives, honor, and wealth of their fellow citizens, and abstain from lying, cheating, backbiting, and other immoral behavior.

They are under a contract, and that is not nullified by their conversion. The reason for this ruling is the freedom of religion which exists today. When it did not exist in the past, such as the time of the inquisitions, it was obligatory upon Muslims to migrate to a land where they could find freedom to practice their religion. The impossibility of establishing religious rites disappeared, and the deportation of Muslims has been replaced by welcoming them, and freedom of religion now exists across Western countries for nationals and immigrants without prejudice. (Western

governments should be aware of a trap which ISIS is trying to pull them into, which is making them think that Muslims are all their enemies, in order to force them to take tough decisions against Muslims so as to spark a confrontation and a clash of civilizations. Muslims are not members of ISIS, and Muslims living in the West are not enemies of the West; a few criminals do not represent the many millions of peaceful Muslims who live in the West.)

Regarding the second type, immigrants who are residents of non-Muslim countries, or those whose family migrated, and visitors, such as tourists, and those who live there temporarily for work or studies, these Muslims are under a contract. This contract is manifested first in the agreements that exist between their country and the resident country, which is binding upon citizens of Muslim country who travel to a non-Muslim country. Secondly, if we suppose that there are no diplomatic relations between their country and the resident country, or that there is war between the two countries and they fled seeking refuge in a Western country like Sweden or Britain, then their contract is in either the visa for visitors or the residency permit, or citizenship laws that apply to all citizens. Each of these documents, namely a visa, a residency permit, or a citizenship document, all include an agreement, a signature, and consent that he or she is a peaceful resident, not a combatant, or that he or she is a citizen and shall protect the land in which he or she is staying, not be an enemy of it.

Deception, treachery, and betrayal are impermissible for Muslims who live in non-Muslim countries anywhere in the world. It is proscribed for them to go against their contract, to shed blood, or take revenge, or commit theft. They must respect the laws of the lands in which they live, as was the case of the Companions of the Prophet (PBUH) when they migrated from Mecca to Abyssinia and lived many years under the authority of a Christian king in a strictly Christian land. They were safe and secure and did not mind living there despite the fact that the people of Abyssinia were Christians.

We have countless proofs in all four Sunni schools of law for these obligations and commitments that Muslims must observe in non-Muslim lands. ʿAlāʾ al-Dīn al-Ḥaṣkafī al-Ḥanafī (d. 1088 AH / 1677 CE) said, “Any Muslim who enters the land of war (meaning a non-Muslim land even during times of war) under an agreement of safety, it is forbidden for him to kill, loot, or commit fornication, as Muslims stand by their contracts.” [1] We

must note that there is no war between Muslims and the West today. Individuals or organizations have no authority to declare war; rather, it is the exclusive right of the highest authority of the country. There is no jihad except under the banner of a legitimate government. Ibn Nujaym, (d. 970 AH / 1563 CE) another scholar of the Ḥanafī school, said in his work *al-Baḥr al-Rāʾiq*, "When a Muslim businessman enters the land of non-Muslims under safety, it is forbidden for him to harm them in any way as that would be treachery, and treachery is forbidden."[2]

There are contracts of security between Muslim countries and the Western countries that ISIS wants to fight. These contracts are exemplified in the exchange of ambassadors through diplomatic relations. Furthermore, there is much cooperation between the Islamic world and the West in many aspects of economics, industry, agriculture, etc. Millions of Muslim immigrants live in Western countries in peace and security, enjoying the same rights as the natives, with a degree of religious and political freedom they may not enjoy in some Muslim countries.

Since the middle of the twentieth century, millions of Muslims migrated to Europe and the Americas escaping religious oppression, in pursuit of knowledge, or seeking a better future for themselves and their families. They were welcomed into these countries and received social and financial assistance despite differences in religion, language, culture, and customs. They contributed to the establishment of Western economies by their labor, expertise, and research. The vast majority of these countries supported immigrant Muslims without discriminating between them and the native citizens; so how can a Muslim return the favor by murder, theft, and deception? A God-fearing Muslim could never justify this type of treachery. Muslims were known throughout history as honorable people who upheld their covenants, even if it brought harm to themselves; this display of magnanimous character was one of the key factors in the spread of Islam in past centuries.

On the other hand, there is no justification for Muslims to commit acts of terrorism in the Western countries in which they reside, even if they are oppressed or have limited freedom to practice their religion, such as being banned from wearing the hijab. The only methods they are permitted to employ to change such policies are those that are both legal and peaceful, without any transgression, violence, or otherwise illegal acts as established by the laws of the land. If they find it impossible to practice their religion or

change the policies of the government, they should simply migrate to a different land where they have full freedom of worship.

Notes

[1] Ibn ʿĀbidīn, *Radd al-Muḥtār ʿalā al-Durr al-Mukhtār* (vol. 4 p. 166).

[2] Ibn Nujaym, *al-Baḥr al-Rāʾiq* (vol. 5 p. 107).

CHAPTER X

Legal Rulings Regarding Non-Muslims in Muslim Countries

All non-Muslims who visit a Muslim country or chose to live in it must be safe. This includes diplomats, journalists, students, tourists, and others. They are all under contract of peace and protection. Deceiving or harming them is forbidden. Likewise, kidnapping foreigners is forbidden[1] and any ransom taken in exchange is unlawful.

Al-Bukhārī narrated that the Prophet (PBUH) said, "Whoever kills a non-Muslim under contract will never smell the scent of Paradise."[2] He (PBUH) also said about a Muslim offering protection to a non-Muslim, "It is a covenant that goes for all Muslims. Anyone who breaches this covenant shall be cursed by God, the angels, and all mankind." [3]

Ibn Ḥajar al-ʿAsqalānī said, when commenting on the former narration, "It means anyone who has a contract with Muslims, whether by *jizya* (tax), by a truce from a sultan, or by protection from a single Muslim, is included." [4]

The presence of a leader is not a condition for offering protection to a non-Muslim visitor. If a non-Muslim enters Muslim lands under the protection of a single Muslim, then all Muslims must fulfill that pledge, and no one has the right to kill that visitor who was offered protection by a single Muslim. Attacking such a visitor would be an act of treachery, which is a quality of hypocrites. Here one realizes the extent to which ISIS has violated the laws of Islam, where they combine killing, treachery, and deceitfulness by kidnapping and murdering foreign aid workers and reporters who have committed no crime, and then broadcasting their brutality to the world.

Al-Nawawī said, “What is meant by *dhimma* (pact of protection for non-Muslims) here is safeguarding, meaning that the protection any Muslim offers to a non-Muslim is binding. If a Muslim gives a non-Muslim protection, then it is unlawful for anyone else to expose him to harm as long as he is under the protection of a Muslim.” [5] What we infer from this is that it is not permissible to kill a non-Muslim under contractual protection, nor is it permissible to kill a non-Muslim combatant who is given security by a Muslim, even if the single Muslim who is offering safety is a child. Likewise, a man and a woman are equal in their ability to give safety and protection.

Safety or protection offered by men, women, elderly, youth, whether righteous or unrighteous, is valid and binding upon all Muslims, including the government and the highest authority. It means that when a single Muslim offers safety to a non-Muslim, even if that non-Muslim is a combatant, no one can kill him, not even the caliph. Any Muslim can offer protection, even a child, because it is not required that he should possess authority or political power. The forms of giving safety can be verbal or written, and are all valid. Moreover, a gesture of safety is valid, such that if a Muslim indicates to a non-Muslim combatant that he is safe then the government must abide by this and it is not permissible to revoke it.[6]

The foreigners kidnapped in Syria by ISIS were all given safety by local Syrians. We see from the above-mentioned rules in Islamic law how ISIS acted against Islam by kidnapping them, killing some of them, committing treachery, and betraying Muslims and Islam.

Amongst the rulings relating to non-Muslims and, in particular, to those under contractual protection, are that they are not to be exposed to any harm and it is impermissible to destroy their possessions, including wine or pigs. Imam Kamāl al-Dīn Ibn al-Humām (d. 861 AH / 1457 CE) went further to say, “Slandering him (a non-Muslim co-citizen) is unlawful just as slandering a Muslim is unlawful.” [7] Ibn ʿĀbidīn (d. 1252 AH /1836 CE) adopted this opinion in his sub-commentary known as *Radd al-Muḥtār*, adding that, before God and in terms of legal punishment, oppression against a non-Muslim citizen is worse than oppression against Muslims, “because the contractual *dhimma* entitles them to every right we are entitled to, so if slandering a Muslim is impermissible then slandering him (a person under contractual *dhimma*) is also impermissible. In fact, scholars have said that oppression against a non-Muslim citizen is worse.” [8] Ibn Ḥajar al-

Haytamī (d. 973 AH) mentioned the same in his book entitled "Deterrents against Committing Enormities." [9] The Prophetic statements prohibiting oppression against non-Muslim co-citizens are transmitted by countless narrators and are beyond doubt (*Mutawātir*). [10]

Insulting a non-Muslim citizen is a sin that entails punishment less than the *hadd* penalties. ʿAlāʾ al-Dīn al-Ḥaṣkafī al-Ḥanafī said, "If a Muslim swears at a non-Muslim citizen, he should be punished since he has committed a sin." [11] By non-Muslim citizen (*dhimmi*), every non-Muslim under contract is included, whether he lives in our lands or in his own land.

The jurists went a step further by deeming it impermissible to even say to a Jew, Christian, or Zoroastrian, or any non-Muslim, "O infidel!" (*kāfir*) or "you are an infidel," as it hurts him; a Muslim should be punished for this insult as he has committed a sin.[12]

This is only due to the fact that Islam aspires to a life of co-existence between all religious groups based upon respecting others in their faith, feelings, and rights, far from injustice, harm, and fanaticism leading to hatred or turmoil. This was not considered a favor for non-Muslims but rather a religious duty.

This Islamic perspective stems from a fundamental principle of belief that the truth has been made clear and the message has been conveyed; therefore, it is impermissible to force anyone to embrace Islam. Every individual is responsible for his or her choice of faith in front of his lord in the Hereafter, and that is what Almighty God said, ﴿*Let there be no compulsion in religion: truth stands out clear from Error*.﴾ (2:256)

Islam was a pioneer in setting the instructions and legislation to help removing tensions between all components of society. This was done before what we call today multi-faith dialog.

Al-Hijāwī (d. 968 AH) in the book *al-Iqnāʿ*, which is a reliable book for fatwa in the Ḥanbalī legal school, states, "Whoever curses a non-Muslim co-citizen should receive a light punishment." The commentator, Imam Manṣūr al-Bahūtī (d. 1051 AH) explained this, "It is because a non-Muslim citizen is under protection, and tainting his honor is impermissible." He went on further to say that cursing a specific individual is impermissible even if he is a non-Muslim citizen (*dhimmi*), stating that, "As for specifically cursing a person, its impermissibility is apparent even if he is a non-Muslim citizen who committed a crime." [13]

There are in the encyclopaedias of Islamic law countless examples of Muslim scholars striving to establish justice and peace between all citizens, as well as with enemies at all times.

Notes

[1] See the fatwa I published in 2012 regarding the impermissibility of kidnapping foreigners, amongst other fatwas, http://www.joshualandis.com/blog/wp-content/uploads/Yaqoubi-fatwas-for-the-uprising.pdf, (last accessed December 3, 2015).

[2] Recorded by al-Bukhārī in his *Ṣaḥīḥ*, section "Fighting," chapter "The Sin of the One Who Kills a Protected Non-Muslim for No Crime" (vol. 4 p. 99); and in section "Blood Money," chapter "The Sin of the One Who Kills a Non-Muslim Citizen for No Crime" (vol. 9 p. 12). The hadith concludes with, "and indeed its fragrance is found spanning a distance traversed over forty years."

[3] Recorded by al-Bukhārī, narrated by ʿAlī, section "Jihad," chapter "Tax and Truce" in the sub-chapter "The Pact and Neighborhood of Muslims Is One, the Lowest of Them Fulfills It" (vol. 4 p. 100), and in section "The Sin of the One Who Enters into a State Contract and then Commits Treason" (vol. 4 p. 102), and in other places, in which it is said, "When a Muslim offers protection to a non-Muslim it is a covenant and it goes for all. Anyone who breaches this covenant shall have upon him a curse from God, the angels, and all of mankind. No payment or compensation shall be accepted from him as ransom."

[4] Ibn Ḥajar al-ʿAsqalānī, *Fatḥ al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī* (vol. 12 p. 259).

[5] Al-Nawawī, *Al-Minhāj Sharḥ Ṣaḥīḥ Muslim Ibn al-Ḥajjāj* (vol. 9 p. 144).

[6] See *Kitāb al-Siyar al-Kabīr* by Imam Muḥammad b. al-Ḥasan al-Shaybānī with the commentary of al-Sarakhsī (vol. 1 pp. 252–257).

[7] Kamāl al-Dīn Ibn al-Humām, *Fatḥ al-Qadīr Sharḥ al-Hidāya* (vol. 6 p. 24).

[8] Ibn ʿĀbidīn, *Radd al-Muḥtār ʿalā al-Durr al-Mukhtār* (vol. 4 p. 171).

[9] Ibn Ḥajar al-Haytamī, *al-Zawājir ʿan Iqtirāf al-Kabāʾir* (vol. 2 p. 27).

[10] Muḥammad b. Jaʿfar al-Kittānī, *Naẓm al-Mutanāthir min al-Ḥadīth al-Mutawātir* (p. 107), in which he said about the hadiths prohibiting oppression against non-Muslims, "Al-Mawwāq mentioned that they are of unquestionable veracity (*tawātur*) in the commentary of *Mukhtaṣar Khalīl*… relating from Suḥnūn."

[11] Ibn ʿĀbidīn, *Radd al-Muḥtār ʿalā al-Durr al-Mukhtār* (vol. 4 p. 77).

[12] Ibid., vol. 3 p. 188. See these words, as well as the words of al-Ḥaṣkafī which precede it, and Ibn ʿʿĀbidīn's agreement with it.

[13] Al-Bahūtī, *Kashshāf al-Qanāʿ ʿan Matn al-Iqnāʿ* (vol. 6 pp. 125–126).

CHAPTER XI

Changing the Conditions which Enable the Growth of Extremism

Before I end this book I would like to direct the attention of the countries that are fighting ISIS to five counsels, the neglect of which has regrettably fueled extremism, helped its growth, and assisted ISIS in gathering momentum and having more recruits.

First, it is incumbent upon the government of Iraq to remove oppression from the Sunni population, to stop discriminating against them, and to give them their political rights. Extremists openly exploit the suffering of Sunnis to expand in that region.

Second, Bashar al-Assad's regime in Syria must cede authority to the Syrian people. The regime's barbaric crimes against its citizenry are fundamental factors which feed extremism in the region. The failure of the international community to assist the Syrian people to remove the regime has opened the door to an influx of foreign fighters into Syria, which has complicated the cause of the Syrian people and increased their suffering.

Third, serious steps should be taken to end the suffering of the Palestinian people, to resolve the Palestinian issue, and protect the sacred sites of Jerusalem and al-Aqṣā Holy Mosque, due to its place in the hearts of all Muslims. The Palestinian people should be given their due rights which have been acknowledged by the international community, to establish their independent state with Jerusalem being its capital.

Fourth, the international community must respect the rights of Muslim minorities, especially in countries like Myanmar (Burma) and the Central African Republic, where images and videos of Muslims being persecuted in those countries fuel the feelings of rage amongst extremists, lend credence to the idea that there is a conspiracy against Islam, and validate the growing

notion among Muslims that their blood is cheap and that the world does not care about what is happening to them.

Fifth, while we acknowledge the differences in values and cultures between the East and the West, and call Muslims to respect Western societies and cultures, Western countries must also respect Muslim values and sacred figures and re-assess the boundaries of free speech.

This should be done in the light of weighing benefits and costs, especially when its consequences affect the entire world. Persisting in offending the Prophet of Islam (PBUH), for example, will never make our war on terror an easy task, but rather it will exacerbate the feeling of anger among Muslims. This is precisely how malicious terrorist organizations like ISIS emerge to exploit this anger, spark the flames of hatred and revenge, and earn sympathy from lay Muslims.

Conclusion

In light of this exposition, it is clear that the Islamic State in Syria and Iraq, known as ISIS or Daesh, is a group of deviators that do not represent Islam in any form. They have in fact left Islam, and the so-called Islamic state is not a state and could not be farther from Islam in text and spirit. Its actions are simply a series of crimes perpetrated in the name of Islam. It has attempted to present arguments to mislead people into thinking it is defending Islam and reviving the state of Islam.
In its attempt to argue for its ideology and atrocities, ISIS relies on three primary methods:

1. Taking a literalist approach to Islam's sacred texts, neglecting the interpretation of the Companions of our master, the Prophet Muhammad (PBUH), and the early generation of Muslims.

2. Employing fallacious religious argumentation by using weak, rejected pieces of evidence while there exist stronger forms of evidence that oppose it, and intentionally neglecting to mention counter-evidences against their positions.

3. Depending on a style of choosing what satisfies their whims from the established schools of law and the schools' legal statements. They pick and choose evidence that corroborates their misguidance, despite it being weak or abrogated.

This tricky style may deceive the novice and the beginners but not the scholars or the well-trained students who distinguish between valid and invalid proofs. ISIS is led by a handful of criminals and ignorant extremists who are thirsty for revenge and live in a state of anger, hatred, and mutiny.

Islam disavows ISIS, the teachings of the Messenger of God (PBUH) disavow ISIS, and the scholars of mainstream Sunni Islam disavow ISIS.

The followers of ISIS do not want to adhere to Islamic law, rather they want to twist Islamic law to conform to their fantasies. Similarly, they do not want to follow the Sunna of the Prophet (PBUH), but rather they want to twist the Sunna according to their desires.

In order to expose this view of ISIS, I draw the attention of the reader to the despicable statement of an ISIS figure named Kamāl Zarrūq, who is a Tunisian activist. In a Friday sermon delivered in Tel Abyad, North East Syria, he openly blasphemed and shamelessly insulted the Prophet Muhammad (PBUH), saying, “If Muhammad (PBUH) was with us he would have joined ISIS.” [1] He had total belief in his statement, and confirmed it further by saying, “By God I’m not bothered about this statement. Indeed I am certain that we are right.” This statement is a clear insult to the Prophet Muhammad (PBUH), after which no repentance is accepted. They make such statements because they deem themselves above the Prophet (PBUH) and see him and all prophets as their followers, declaring themselves as the lawgivers and the sole representatives of Islam. It is therefore no surprise to see them twisting the Shariah and distorting Islam.

After presenting the counter-narrative that exposes and crushes ISIS’ invalid arguments, we present the following points that we conclude from our study:

- The declaration of ISIS’ caliphate is invalid
- ISIS as a group has left Islam
- Joining ISIS is forbidden
- Defecting from ISIS is obligatory
- Fighting ISIS is obligatory until it is defeated

The defeat of ISIS is coming sooner or later. As is the case with all oppressors and transgressors, God Almighty has promised that their demise is imminent. As believers and concerned citizens of the world, we must do our part and work in conjunction with the Muslim World and the international community to prevent the proliferation of ISIS, the ideology

that gives rise to such extremist groups, and the conditions that foster their growth.

Notes

1 See these words in a Friday sermon delivered by the Tunisian Kamāl Zarrūq in the following clip, minute 14: *https://www.youtube.com/watch?v=2hOks_nUmzY*, (last accessed November 30, 2015).

APPENDIX

On Minorities in Syria

Interview with Shaykh Muhammad Al-Yaqoubi
by Matthew Barber, May 31, 2015

Sheikh Muhammad Al-Yaqoubi is a respected Sufi scholar and teacher from Damascus who has been an outspoken voice against IS and other extremist groups in Syria. Throughout the course of the uprising, he has been consulted by rebel fighters seeking guidance regarding their conduct in the war. In this capacity, the Sheikh has provided numerous fatwas against acts of extremism, violence against civilians, sectarian violence, and the killing of prisoners. Sheikh Yaqoubi has previously been interviewed for Syria Comment, and more information on his background and activities can be found in that article.

This past week, Sheikh Yaqoubi published a short book containing a detailed religious argument against the behavior and tactics of IS. The first of its kind, the book is entitled The Obligation to Fight ISIS: A Detailed Fatwa Proving That ISIS Have Strayed from Islam, Opposed Shariah and That Fighting Them is Obligatory. A strong refutation of IS' ideology, this work is designed to influence Syrian fighters against IS as well as to curb IS' recruitment of Muslim youth around the world. It can also serve to encourage IS fighters to leave the organization. An Arabic version of the book has just been published in Turkey and is available here; an English version is forthcoming. The book refutes IS on theological grounds for many aspects of its practice and positions, including their revival of slavery practices […]

Also this past week, al-Jazeera ran an in-depth interview with Abu Mohammed al-Julani, the leader of Jabhat al-Nusra, Syria's al-Qaida organization. […] Eyebrows have been raised by what has appeared as an attempt to improve Nusra's image as a more moderate alternative to IS that

does not practice takfir (the practice of declaring a Muslim an unbeliever or apostate).

I spoke with Sheikh Yaqoubi on Friday. He shared with me his current efforts to ideologically combat IS, as well as his thoughts on the way that al-Jazeera handled the interview with al-Julani, the ranking representative of al-Qaida in Syria. Below is our discussion.

Sheikh Muhammad, what did you make of al-Jazeera's interview with Abu Mohammed al-Julani?

The interview was fifty minutes of mockery—a scandal for professional journalism. It is unbelievable that al-Jazeera is doing the dirty job of beautifying this man before tens of millions of viewers, ordinary Muslims, telling them that he is a good man who is doing a good job, helping the Syrian people, a good Muslim, a moderate Muslim—he's not! It was clear from the interview that the ideology of al-Nusra Front has not changed. Al-Julani twice confirmed his allegiance to al-Qaida, saying that he receives orders from its leader Dr. Aymenn [al-Zawahiri], and the interviewer never interjected any question about this. All the interviewer did was attempt to portray him as a nice man. He never asked him a critical question; he never challenged him.

What do you think is happening today that allows an important representative of al-Qaida to be featured on television in an accepting way by a mainstream voice of the media?

This question should be directed to Qatar's government. Why are they doing this?

The man clearly stated that he hasn't abandoned any of his principles. He only stated one thing that differs from his earlier positions: he says that he has received orders from al-Qaida leader Dr. Ayman to not target the West. This is the only real [ideological] change from what he conveyed in his earlier interview in 2013. Now they are just trying to get statements from him to the effect that "we do not do takfir." And yet in the same interview, he confirmed the extreme position that visiting shrines of saints is kufr or shirk, accusing people who visit shrines of being mushrikiin [those who "commit polytheism" by ascribing "partners" to God]. This

means he is going to have to consider most Sunni Muslims apostates (which for him could mean having to kill them) because they have shrines of saints and visit them, such as our shrine for Ibn ‘Arabi in the heart of Damascus, or in Konya the shrine for Mawlana Rumi, the most famous Muslim saint in the world. You have saints everywhere, from Morocco to South Africa, from Indonesia to Istanbul. All these Muslims are mushrikiin—non-Muslims, unbelievers—according to him? How can this be? This ideology is alien to the Syrian people and to the nature of Islam in Syria.

And ironically—or perhaps even sarcastically—they are trying to present him as so friendly toward [minority] sects.

As he said that Nusra will not kill Alawites or Druze.

Druze and Alawites—”if they don’t fight us, if they don’t work with Assad,” then they will not kill them.

But he made changing their religion a prerequisite for this.

This is the key moment where the interviewer failed to interrupt to pose any hard questions. He [al-Julani] gave two conditions. The first was that they abandon Assad, or defect—and this is the understandable politics of war. But the second condition, at which the interviewer did not pause to question him, was, when talking about the Druze villages in Idlib, he said “we have sent them duʿāt” [proselytizers], people to correct their dogma or their Islam.” And about Alawites, also he repeated that “if they accept Islam, we’ll be fine with them.” His approach to Druze and Alawites is that they should become Muslims and “then we will accept them,” which differs from the long-established position adopted by Sunnis, such as the Hanafis and Mālikis, who accepted these groups and made them equal to the People of the Book. Al-Julani’s position means that Alawites only have the choice of converting to Islam or being killed; they would not even be extended the option of deportation.

Now, these Alawites and Druze, along with the Isma’ilis, have lived side by side with Sunni Muslims for over a thousand years, and Muslims did not attempt to erase, eradicate, or convert them, even though Muslims had power, as the rulers of the land, such as the Ottomans. This is because it is part of our legal system that these people could be treated as the People

of the Book, which means they are full citizens of the countries where they live. It is in the Hanafi school, the Malaki school, it is even one opinion of Ahmad ibn Hanbal.

Now I understand the position of the Shafi'is, but it was never practiced, so why pick it up after all these centuries? While the majority of Muslim scholars say that even mushrikiin can be treated as the People of the Book? Imam Mālik says this very clearly and so does Abu Hanifa. This was practiced for many centuries in Syria, so why now? Why turn the tables after all of this history and begin forcing people into Islam? Al-Julani wants to claim to be more loyal to Islam than the Muslims? More than the Ottomans, more than the Ayubids, more than the Abbasids, more than the Umayyads, more than the companions of the Prophet? This is very strange.

What Shafi'i position were you referring to?

The Shafi'is said that jizya can only be taken from Christians, Jews, and Magians [Zoroastrians], not from others. But this has never been practiced; the Shafi'i opinion on this has never been followed. We have a rule in fiqh: "Practice takes priority." In other words, the position of a madhab that becomes majority practice is validated, whereas an opposing position of another madhab, if not followed in a certain land, cannot be practiced there. Therefore the Shafi'i position on this has become invalid in Syria and neighboring countries because it was never adopted by any Muslim government. This is even echoed now by one of the major leaders of the current Salafi-jihadi movement, Abu Basir al-Tartusi, who states that the majority opinion on this is superior and should be practiced, and that all should be considered as People of the Book and should not be forced into Islam. He says this on his website.

Help me understand the difference between the Shafi'is on the one side, and the Hanafis and Mālikis on the other. Both would agree that the option to pay jizya [rather than convert] is provided to the People of the Book, but the difference is about who is considered People of the Book?

The difference is about who can be annexed to the category, i.e. who can be merged into the People of the Book. It is about whether the "People of the

Book” can be extended to include others who can be treated as the People of the Book, or not. Because in the past, when Muslims waged wars, they always offered the enemy three options before fighting: 1) the enemy could become Muslim, 2) they could remain non-Muslim and pay jizya, or 3) they could choose to fight. So for mushrikiin, the payment of jizya was not considered an option, in some opinions. But this was in regards to pagans among the Arabs. And the Hanafis, for example, and the Mālikis on a larger scale, and even Ahmad ibn Hanbal according to one narration from him, all quote hadith from the Prophet, salla Allah ʿalayhi wa sallam, reporting that when he sent people to fight pagan mushrikiin, he asked them to offer [to the latter] all three options. This means that even pagans cannot be forced into Islam, if they choose to pay jizya. There is also another hadith, one about the Magians, in Sahih Bukhāri, that says “treat them like the People of the Book.”

So from these proofs, these portions of hadith tradition, among others, scholars and Muslim jurists went on to say that all non-Muslim sects are annexed to the People of the Book. Let me state it clearly: Muslims were not keen on killing people. Muslims tried to save the lives of people under any pretext when any proof was available. They valued human life as God’s creation, so when they found these clear proofs from among the words of the Prophet, they knew that Islam was a religion of mercy, because this is the higher purpose of the shariʿa: mercy—not killing people, not harshness, not savagery.

This was the practiced pattern when Muslims had power. Today Muslims are weak, and a group like al-Nusra thinks that it can survive and become a superpower? This is ridiculous. Muslims were superpowers and controlled two thirds of the world, and they did not eradicate sects. They did not force them into Islam.

So when al-Julani mentioned placing duʿāt among the Druze in Idlib, the interviewer did not interrupt him to question the practice.

He didn’t challenge him at all. The way that al-Julani put it was “we sent missionaries, duʿāt, to them, to correct for them their misunderstandings of Islamic dogma.” But Julani is very aware that Druze are considered non-Muslims in books of theology. When they have freedom, they will identify as Druze.

There is no basis for forcing or pressuring others to enter Islam. In my new book on fighting ISIS, I mention that it is even forbidden to slander a Christian or another non-Muslim. Ibn Nujaim, one of the greatest scholars of fiqh and uśūl al-fiqh in the Hanafi school, said that it is haram, forbidden, to say to a non-Muslim: "you kāfir," because it upsets him, and you are not supposed to upset him by pointing out his difference in beliefs. This has been established in Islam for centuries. This is why when I once spoke in America at the Catholic University in Washington, I said that the concept of "tolerance" is alien to us, because tolerance means "bearing up with difficulty," i.e. doing a favor to the other. It is derived from the Latin verb tolerare which means "to endure pain." The Muslim relationship toward other sects was not based in "doing the favor" of tolerating them; they considered their separate beliefs as their right. Ibn 'Ābidīn even says in his book Radd Al-Muĥtār that oppression against non-Muslims is worse than oppression against Muslims.

So where do these people like Julani and Baghdadi come from? But this is what results when they destroy the twelve-century-long corpus of law of the four schools. This is what you get: everyone is implementing his own opinion. Everyone who carries a gun is now a mujtahid or a mufti, producing his own fatwas and acting as judge. They claim to act in reference to the book of Allah and the Sunnah of his Prophet, salla Allah 'alayhi wa sallam, but they act according to their own understanding—or misunderstanding.

Islamic law develops [over time]. One of its beautiful characteristics is its flexibility. We have certain things that are constant over time, things like the pillars of Islam (prayer, fasting, and so forth), but then we have things that may evolve and change over time. There are a lot of these things, including jizya. It is not something that is rigidly defined, even though it is mentioned in the Qur'an.

So what do you think was the goal of that interview?

The purpose of the interview seemed to be just to elicit certain statements from al-Julani, particularly that "we don't do takfir to anyone," in a way that would increase his appeal to the public. It was a very dangerous interview.

And in the interview we don't really see a renouncing of takfiri practice or ideology?

No. And even if we did, there is more at issue with al-Qaida than the practice of takfir. For example, anyone who believes in democracy, for them, is a heretic. Another example: any Muslim ruler or country that enters an alliance with or seeks assistance from a non-Muslim country—they become unbelievers. There are many problems with al-Qaida, and the ideology is basically the same as that of ISIS, though ISIS has more extreme practices that have now made al-Qaida look nice. But we know that several thousand fighters moved from al-Nusra to ISIS.

Throughout the Syria conflict, every time a more radical group would appear, it would make the groups preceding it look less bad. People were concerned about Islamist groups, but after Nusra emerged, it began to appear as the bigger threat, making the other Islamists appear more moderate. After ISIS emerged, even Nusra began to look better, simply because it was not as extreme. People would perceive any opposition to whatever was the more extreme party as a good thing.

[laughing] Well if you believe in relativity, then that is the case! But we don't believe in relativity in this criminal arena. You can't say that a murderer who kills one person is a saint because someone else is killing more.

Let me ask you how you perceive the recent successes of Nusra and other Islamists. You are someone who wants to see a future peace in Syria, and you see both the Assad regime and Nusra as obstacles to that peace. So when you see Assad losing ground and Nusra or other Islamist groups gaining ground, do you interpret this as a positive or negative development, or neither?

Kicking the regime out of areas like Idlib is definitely good, but the ultimate solution for the crisis in Syria will be political. Sometimes people are happy that a piece of land is liberated, but then you see barrel bombs falling on people morning and night in that area, killing civilians and innocents. So it is good that the regime is now weaker, that more people are

safe from the torture of the regime's prisons, from its special art in killing people. But what we need is to finally reach a political solution, where no fighting takes place.

Until now the regime has refused to talk seriously about any political solution. Do you think that with all its recent losses it may experience enough pressure that going to the negotiating table will become a real possibility?

I think that there may now be an agreement to get rid of Assad. Even Russia and Iran now believe that he has become a burden. But what system would follow? Of course Iran wants to guarantee its own interests in the country, and Russia wants to guarantee its interests. We do not want the major destruction of Damascus. So what is happening now is more military pressure on the regime to bring it to the negotiating table, where hopefully Assad could step down, an interim council would be created to which power would be handed over, and we would eventually witness a new Syria.

If that doesn't happen and the present fight continues to move, say to Latakia or Damascus, the destruction will just go on.

Let me say this: continuing the fight is no longer in the interest of Syrians.

Including the opposition.

Including the opposition because the opposition is not in power and is not represented by the people fighting on the ground. Those fighting are mainly extreme groups like ISIS and others who want to impose their own version of Islam, which is alien to the moderate Sunni Islam that the region has known for centuries. When you look at the four schools you realize that Islam is not about killing. For example, Islamic penalties could not be implemented in times of war, times of famine, times of ignorance and so forth. By putting Islamic penalties on hold, I am not challenging the book of Allah or the Sunnah. I am not challenging the books of fiqh. I am precisely following the reliable opinion of every school of law. Shariʿa is not about

Islamic penalties; these extreme groups have reduced shariʿa to Islamic penalties, they have reduced shariʿa to jizya for non-Muslims. What about truthfulness, what about mercy, what about respect for citizens, what about protecting life? Islam is about these things.

Tell me about the new book you have written. It is a long fatwa about IS. What do you hope to accomplish with it?

First of all, I have seen a lot of need, from inside Syria and from around the world. From inside Syria I receive questions from fighters and commanders, from certain military groups, asking whether they should engage in the war against ISIS, asking whether ISIS are Muslims and whether they can fight against Muslims. And from non-Muslims around the world, you are aware how much fuss there is about ISIS and its crimes, especially after the burning alive of the Jordanian pilot Muaz al-Kasasbeh, Allah have mercy on him. So I saw the strong need [for an authoritative religious response to this], and there was only the one letter that was issued before, that I cosigned [www.lettertobaghdadi.com], but which did not go into enough detail regarding the proofs for the refutation of ISIS, but which mainly presented the basics. So I wrote this book directing the reader to the major positions held by ISIS, such as allegiance to Baghdadi and its validity, kidnapping, burning, slavery. Slavery is one of the major issues and I mentioned that as jurists, doctors of the law, from an Islamic point of view we are bound by international law on the issue, which we [Muslim countries] have signed, and Muslims must not breach their promises. Slavery should not be practiced and cannot be practiced; it is now forbidden in Islam for it to be practiced. This does not contradict the book of Allah or the Sunnah of the Prophet; it is rather in conjunction with them, because in Islam we are ordered to respect our covenants and contracts. Before the coming of Islam, the Prophet Mohammed participated in a covenant called the Hilf al-Fudūl that was made among tribes in Mecca to protect the oppressed. And after the message of Islam had come, the Prophet said that if he was again invited to such an accord that he would agree to it. So slavery in Islam is not obligatory; it is not the only option. Slavery was one option in Islam only because it was practiced in the world into which Islam came, and if the world comes to agree on abolishing it, we are bound by this. Even more so because our enemies do not enslave us. The only case in

which slavery could still be applied would be if the world were to abolish the Declaration of Human Rights and begin to enslave Muslims. In such a scenario, Muslims could enslave their enemies as a kind of reciprocity. But this is impossible, an entirely imaginary hypothesis. There is now no place for slavery at all; it is out of the question.

Now when we spoke in 2013, you mentioned that many fighters were seeking your religious guidance, sometimes about relations with other groups, sometimes about fighting the regime. As the first sheikh to issue a fatwa validating resistance against the regime after its use of violence against the peaceful protesters, you played an important role in legitimizing the armed struggle of the opposition. I wonder now, in early 2015, whether similar numbers of fighters still consult you.

No. The reason is that many moderate fighters, for financial reasons or for lack of weapons and arms support, moved to join with al-Nusra or others. Three years ago there were so many military groups on the ground. Many of them were moderate and were fighting for a new Syria, and their goal was to take out the regime, not to create that form of a state which Nusra or ISIS is seeking to establish now. We all know that many Syrian fighters are now with ISIS or Nusra—they are well paid. Many looked at the international community with frustration, because they didn't see any support.

But some still contact me and I have received requests from some of the major military groups that still exist, from around the country. Their questions now are not about the regime but mainly concern fighting ISIS.

How much practical influence do you think that your book can have?

It is designed to impact three target groups. The first group is the fighters inside Syria.

And can it physically reach them?

Yes. One major rebel group inside Syria has already requested 10,000 copies of it. A second group has requested 5,000 copies. These are good signs. They want to educate their fighters, to discuss what is right and

wrong, who represents Islam, and what kind of Islam is to be practiced. So this is very encouraging. And this is just in the first few days. By the way, I have published 25,000 copies [in Turkey, to be distributed to Syrian fighters] at my own expense. I have had no sponsors. But we are expecting that 100,000 copies will eventually be needed.

The second target group for the book is the youth outside of Syria, around the world, who are at risk for recruitment. They can be reached online, and when they read this book they will realize that ISIS does not represent Islam. Through this effort we will try to minimize the levels of recruitment. That is why there are versions in both Arabic and English.

And the third target group is academia and the media. I receive a lot of questions from both academia and the media about the legal stance of Islam and the various schools on these issues, and this work can help answer those questions from concerned observers.

We are hopeful about the potential of this book and feel that its reception is promising.

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Shaykh Muhammad Al-Yaqoubi

Shaykh Muhammad Al-Yaqoubi is a world-renowned Islamic scholar of theology, jurisprudence, Prophetic tradition, and a spiritual leader to thousands of Muslims across the globe. He has been named one of the 500 most influential Muslims in the world for the past five years (theMuslim500.com).

Shaykh Al-Yaqoubi was born in Damascus in 1963 and trained from an early age in the Islamic sciences by his father, who was an Imam and instructor at the Grand Umayyad Mosque in Damascus. He descends from a scholarly family that traces its lineage back to the Prophet Muhammad (PBUH). Three of his ancestors were also Imams at the Grand Umayyad Mosque.

A Sufi Master of the Shadhili Order, his primary focus is on the purification of the heart, the spiritual well-being of Muslims, and the rectification of their social conduct and interaction within society based on the highest virtues of the Prophet of Islam (PBUH).

He has travelled around the world teaching Muslims, and bringing awareness to and spreading moderate Islam. Thousands of students have studied under him, many of whom are now Imams and teachers in the Islamic World—in the Arab world, the West, the Far East, and South Africa.

Shaykh Al-Yaqoubi was one of the first scholars to speak up against the Assad regime and, subsequently, against the rise of ISIS, denouncing its atrocities and proving its actions to be un-Islamic. To this end, he has delivered numerous lectures, penned articles, and given several TV and paper interviews to media agencies such as CNN, BBC, and PBS.

He is the author of several books in Arabic in the areas of Islamic law and Prophetic Tradition. He speaks Arabic, English, and Swedish, and reads French and German.

CAREER HIGHLIGHTS

1981–1990	Friday Imam, al-Tawusiyyah Mosque, Damascus
1983–1990	Instructor, al-Darwishiyah Mosque, the Fatwa Administration, Damascus, Syria
1986–1991	Teacher of Islamic law, the Institute of Shaykh Badr al-Din al-Hasani, Damascus, Syria
1992–1996	Researcher and teacher, Ph.D program of linguistics, Institute of Oriental Studies, University of Gothenburg, Sweden
1992–1996	Imam, Islamic Society of Gothenburg
1993–1998	Co-Founder of NCID - Nordic Centre for Inter-religious Dialogue, Gothenburg Sweden
1995	Member of an independent “Peace Mission to Sarajevo” coordinated by the Swedish Foreign Department
1996	Winner of Peace Prize “Hagges Fredspris,” Gothenburg, Sweden
1998-2000	Assistant director for research and studies at the Islamic Museum of Kuwait, Dar al-Athar a-Islamiyyah, Kuwait
2000	Founding member of the Swedish Muslim Academy, Stockholm, Sweden
2006-2011	Lecturer in Sufism, Ibn Arabi

	Mosque, Damascus
2007—	Patron of the global educational organization Sacred Knowledge
2008-2011	Lecturer at the Grand Umayyad Mosque, Damascus, Syria.
2008-2011	Friday Imam at al-Hassan Mosque, Damascus, Syria
2008—	Patron of the humanitarian relief organization SKT Welfare - UK and USA
2010–2011	Former member of the Supreme committee overseeing Islamic insurance companies and their compatibility with the Shariah
2010–2011	Member of the High Committee for reforming curricula of Islamic schools in Syria
2012–2013	Guest Professor at Al-Akhawin University, Ifrane, Morocco (teaching Jurisprudence, Philology and Exegesis of the Quran)
2014—	Foundation Fellow, Muslim Faculty of Advanced Studies, Norwich, UK
2014—	Patron, Al-Huda Center for Education, Amman, Jordan